

of the remaining public coal lands were fixed at 2,560 acres, as it is in Alaska, there is sufficient of such lands in Colorado alone to provide for 3,000 competing companies. How absurd it is, then, to assume that monopoly could exist under such statutes!

Mr. President, under our laws providing for the disposition of our natural resources the incentive of private ownership has produced a development unequaled in the history of the world. Mr. Horace W. Winchell, a distinguished mining engineer, in the *Engineering Magazine* of February 19, 1914, commenting upon the result to the United States of the liberal policy for the acquisition of our natural resources, said, with relation to our mineral products:

It thus appears that a nation occupying less than 6 per cent of the continental area of the globe, and containing a little over 6 per cent of the inhabitants, produces approximately one-third of the mining products of the entire world.

Is it expedient, then, in view of the wonderful success of the policy of disposition of the public lands, to try a leasing system, which will produce among our people irritation and discontent, and which many confidently believe will cause stagnation and depression? I submit it is not expedient.

Mr. President, I have still to discuss the third phase of this question—is a Federal leasing system practicable? If the Senator desires me not to finish to-night, however, I shall be glad to yield for a motion to adjourn.

Mr. KERN. It is not desired to have an executive session.

Mr. SHAFROTH. What I have to say will take about half an hour.

Mr. SMITH of Arizona. There are a number of speeches yet to be made. Why not adjourn?

Mr. SHAFROTH. I prefer to finish my remarks to-morrow.

Mr. KERN. Mr. President, I move that the Senate adjourn until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m., Tuesday, September 22, 1914) the Senate adjourned until to-morrow, Wednesday, September 23, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, September 22, 1914.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our heavenly Father, how long, O how long wilt Thou suffer Thy children to brutally slay and mangle each other, wrecking happy homes, breaking hearts, robbing the world of its young men, filling it with widows and orphans? Is it to teach us wisdom and how to apply it; common sense and how to use it; justice, mercy, brotherly love; the futility of war in this enlightened age; the wiser, saner, methods of settling national disputes by arbitration? May we be apt scholars. Arouse. O we beseech Thee, the higher, nobler in the minds and hearts of those who are responsible, that the effusion of blood, the demolition of the rich treasures which have come down to us out of the past may cease, and unholy strife give way to peace and concord; and everlasting praise we will ever give to Thee, in the name of the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. ADAIR. Mr. Speaker, I ask unanimous consent that I may address the House for about 35 minutes on next Friday immediately following the reading of the Journal.

The SPEAKER. The gentleman from Indiana [Mr. ADAIR] asks unanimous consent that on next Friday, immediately after the reading of the Journal, he be permitted to address the House not to exceed 35 minutes. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, of course I do not desire to object to the request of the gentleman from Indiana, but as it has not been decided finally just what the procedure will be in reference to the consideration of the revenue bill, and fearing it might interfere with that, I will ask the gentleman not to make his request at this time.

Mr. ADAIR. I was going to suggest that if it is found it will I would ask that the request be set aside.

Mr. UNDERWOOD. Well, with the understanding that it shall not interfere with any order made in reference to the revenue bill, I have no objection.

Mr. ADAIR. If it should, I shall ask that it be set aside.

Mr. UNDERWOOD. Very well, then, with the understanding it shall not interfere with the revenue bill.

The SPEAKER. The addendum of the request of the gentleman from Indiana is that it shall not interfere with anything pertaining to the emergency revenue bill. Is there objection?

Mr. MANN. Mr. Speaker, for the present I object.

The SPEAKER. The gentleman from Illinois objects.

RE-REFERENCE OF LETTER (H. R. 9017).

Mr. RAKER. Mr. Speaker, I ask unanimous consent that a letter from the Secretary of Commerce in reference to House bill 9017 be re-referred to the Committee on Military Affairs. By mistake it was sent to the Committee on Interstate and Foreign Commerce. This bill comes from the Committee on Military Affairs. I have seen the chairman of the Committee on Interstate and Foreign Commerce, Mr. ADAMSON, and he agrees with me that it should go to the Committee on Military Affairs. It is in reference to Alcatraz Island, and that committee reported the bill and an amendment is suggested by the Department of Commerce.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent that a letter of the Secretary of Commerce be referred to the Committee on Military Affairs. Is there objection?

Mr. MANN. Will that mean a reprint of this letter?

Mr. RAKER. It is the original letter.

Mr. MANN. I do not know; I imagine that has gone to the Committee on Interstate and Foreign Commerce. It has been printed and referred and the bill is now in the possession of the House and not the committee.

Mr. RAKER. All I ask is that the original letter go to the Committee on Military Affairs without reprinting. That committee has jurisdiction; that is all.

The SPEAKER. The gentleman from California asks unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from the consideration of this letter and that the same be referred to the Committee on Military Affairs.

Mr. TALCOTT of New York. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from California if he has spoken to the chairman of the Committee on Interstate and Foreign Commerce in regard to this matter?

Mr. RAKER. I saw the chairman of the committee, Mr. ADAMSON, yesterday evening and talked over the matter, and he says that unquestionably it should have been referred to the Committee on Military Affairs.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

HOUSING OF WORKING PEOPLE IN FOREIGN COUNTRIES.

Mr. LEWIS of Maryland. Mr. Speaker, I desire to call up House resolution 604, which has been favorably reported by the Committee on Labor.

The SPEAKER. The gentleman from Maryland asks to call up privileged resolution 604.

Mr. MANN. Mr. Speaker, I shall not object if the gentleman will ask unanimous consent, but this is not a privileged resolution, because it is reported by the committee through the basket and not on the floor.

The SPEAKER. The gentleman from Maryland asks unanimous consent to call up House resolution 604. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I would like to hear the resolution read for information.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 604.

Resolved, That the Secretary of Labor be, and he is hereby, requested to transmit to the House of Representatives any information now available in the possession of the Bureau of Labor Statistics concerning public aid for home owning and housing of working people in foreign countries.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I notice it requests the Secretary of Labor to furnish this information. If the gentleman will strike out that and make it "direct" the Secretary of Labor to furnish the information, I shall not object, otherwise I shall.

Mr. LEWIS of Maryland. I will accept that.

The SPEAKER. The gentleman from New York is entirely correct. The gentleman from Maryland, as far as he can, accepts that. Is there objection to the present consideration with that understanding?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I wish to inquire what is the purpose of this resolution?

Mr. LEWIS of Maryland. I will say to the gentleman from New York it is on the subject of home owning and housing of laboring and poor people in other countries, and under the superintendence and by the aid of the Government in many in-

stances, a subject which has received special study at the hands of the Department of Labor, and this resolution is intended to have published the investigation that has been made.

Mr. FITZGERALD. Why does not the Department publish the information?

Mr. LEWIS of Maryland. I will yield to the gentleman from Illinois [Mr. BUCHANAN].

Mr. FITZGERALD. And is not the purpose of this resolution to have this information published at the expense of the congressional allotment for printing and not at the expense of the allotment for the Department of Labor?

Mr. LEWIS of Maryland. I yield to the gentleman from Illinois [Mr. BUCHANAN], whose report it is, to answer the question.

Mr. BUCHANAN of Illinois. Mr. Speaker, I introduced the resolution for the purpose of securing this information for Members of the House.

I am of the opinion that this is a privileged resolution. I do not understand why it is necessary to have unanimous consent. Owing to the fact that the Department of Labor, on account of the urgent deficiency bill becoming a law so late that the bureau had not time to have this printing done, had to turn back some seven or eight thousand dollars of the money that was appropriated in the urgent deficiency law; therefore it is necessary to ask for this information. At this time the Department of Labor and the Bureau of Labor Statistics are short of funds, and therefore I do not know whether we can get the printing through them or not. They have a great deal of matter there to print, and this is information of such a character that it seems to me it is worth while to have it printed by the House.

I will say that this is a matter that will cost probably seven or eight hundred dollars. There are about 200 pages of it, but it is very important information for the benefit of the working people of the country. It seems that we ought to be able to obtain this information without objection. I do not understand, though, why it is necessary to have unanimous consent. It is a privileged resolution.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, it seems to be the practice of some of the departments of the Government to have resolutions of this character introduced so that the printing which should be paid for out of the appropriations made for the departments shall be paid for out of the appropriations made for the congressional printing. So far as I am concerned, I am going to object to every such resolution, and I object to this one.

Mr. LEWIS of Maryland. Now, Mr. Speaker—

The SPEAKER. Is there objection?

Mr. FITZGERALD. I object.

Mr. LEWIS of Maryland. Mr. Speaker, I call the resolution up as a matter of privileged character.

The SPEAKER. The House is operating under a special rule, and it takes unanimous consent to do it. If they ever get through with the conservation bill—

Mr. LEWIS of Maryland. Do I understand the matter is not privileged to-day because of the special rule?

The SPEAKER. Yes.

Mr. GARNER. Mr. Speaker, if the Chair will permit me, I wish to say that I doubt the correctness of that ruling. A resolution that is privileged can be called up at any time, or else by adopting a rule in the House you would cut out all the privileges of the House with reference to resolutions and other matters that are of the highest privilege. Now, as I understand, a point of order can be made against the resolution on another account, and that is that the committee has not reported the bill.

Mr. LEWIS of Maryland. It has.

Mr. GARNER. Just a moment. It was a report that was put in the basket rather than coming from the committee room. I will ask the gentleman from Maryland if that is correct?

Mr. LEWIS of Maryland. It is not necessary to answer that.

Mr. GARNER. I want the Speaker to consider the question of ruling that, as long as there is a special rule from the Committee on Rules directing that certain legislation may be privileged, if he is going to hold that during the existence of that rule no legislation of the highest privilege, for instance, a resolution of this character that might be privileged under the rules, can not come up? This legislation, to which the Speaker refers now, is of no higher character than other legislation might be that is privileged under the rules of the House.

Mr. BUCHANAN of Illinois. Mr. Speaker, if the gentleman will yield—

Mr. GARNER. For instance, if the Speaker will permit me, this special rule gives the legislation in charge of the gentleman from Oklahoma [Mr. FERRIS] no higher standing than a bill reported from the Ways and Means Committee or a bill reported from the Appropriations Committee, or any other committee of

the House having the right to report at any time, and it does occur to me that a resolution having a privilege can be called up at any time that a gentleman can get recognition to call it up.

The SPEAKER. Now, here are the words of this resolution:

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration in the order named of the following bills, to wit—

And it goes on and names them. At last it says:

The order of business provided by this resolution shall be the continuing order of business of the House until concluded, except that it shall not interfere with Calendar Wednesday, Unanimous Consent, or District days—

And Friday was put in—

nor with the consideration of appropriation bills, or bills relating to the revenue and the bonded debt of the United States, nor with the consideration of conference reports on bills, nor the sending of bills to conference.

Mr. GARNER. In other words, this rule, as the Speaker construes it, excludes from consideration by the House the privileged matters to which I have referred?

The SPEAKER. The House deliberately tied its own hands, and the Speaker can do nothing except to construe it as the English language is ordinarily construed. And this is out of order for two reasons—that reason, and the one suggested by the gentleman from Illinois and repeated by the gentleman from Texas.

WITHDRAWAL OF PAPERS.

Mr. ROBERTS of Massachusetts, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Henry D. Moulton, House bill 17605, Sixty-third Congress, no adverse report having been made thereon.

EXTENSION OF REMARKS.

Mr. BUCHANAN of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the resolution just presented by the gentleman from Maryland [Mr. LEWIS].

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on the resolution presented by the gentleman from Maryland. Is there objection? [After a pause.] The Chair hears none.

EXPLORATION FOR COAL, ETC.

The SPEAKER. Under the special rule the House resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16136.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16136, with Mr. FITZGERALD in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 16136) to authorize the exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] has two minutes remaining.

Mr. MONDELL. Mr. Chairman, I desire to be recognized to offer an amendment. I move to strike out section 23.

The CHAIRMAN. The gentleman from Wyoming is recognized to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, pages 19 and 20, by striking out section 23.

Mr. MONDELL. Mr. Chairman, the section I have proposed to strike out refers to the ownership, by those who may come within the provisions of this act, of interest in selling agencies. I do not propose to discuss directly that section, but to discuss some features of sections 13 and 14. This bill has been referred to as a "leasing bill." Gentlemen have from time to time referred to this as a "leasing bill." I want to call attention to the fact that so far as it affects oil it is not, to any considerable extent, a leasing bill, and nine-tenths of the operations under it might easily be not operations looking to or in the way of a lease, but operations looking to and resulting in the securing of title in fee simple.

I would like to have the attention of my good friend from Wisconsin [Mr. STAFFORD], who yesterday talked about our passing leasing legislation. I hope that some day in the future he will not be charged with having supported a bill that contains more "jokers" and more dangerous "jokers," than any legislation placed upon the statute books since the notorious lieuland law. I have been thankful many times that I was not in Congress when that act was passed. Had I been here I think I could have seen the "joker" in it, a "joker" under which millions of acres of the finest timberland in the country belonging to the Government were exchanged for lands that were largely worthless.

That act passed Congress at the suggestion of men who wanted to do the right thing, but who did not know what they were doing.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I can not yield now.

Mr. STAFFORD. It is incumbent upon the gentleman to point out the joker.

Mr. MONDELL. I will in the brief time at my command point to some of them. I want to call attention to the fact that, so far as this bill affects oil, it is not a leasing bill to any extent. [Applause.] It is, in some respects, the most wide-open bill for absolute fee-simple ownership that ever was considered on the floor of this House. [Applause.] If I had brought this bill before the House, I would have expected my motives to be impugned. I am not impugning anyone's motives; but, knowing what I know about public lands, I believe I would have been subject to the charge that I was attempting to give an opportunity to loot the public domain if I had brought in legislation of this kind.

What does the bill do? It provides, on page 9, section 13, that the Secretary is authorized to issue prospecting permits, and it provides that these prospecting permits shall include, if within 16 miles of a producing well, 640 acres or less; if beyond, 2,560 acres or less. The right given to the Secretary is one in regard to which he can exercise no discretion. The gentleman from Oklahoma [Mr. FERRIS] and the gentleman from Wisconsin [Mr. LENROOT] are laying the flattering unction to their souls, apparently, that when you give the Secretary the right to issue permits covering so much land within a certain distance of a developed well and so much beyond, the Secretary can withhold or grant, as he sees fit. He can not do it except under general rules. If eight men found a promising anticlinal more than 10 miles from a producing well, those eight men could cover that anticlinal for 16 miles along its axis. There are few anticlinals in any oil region that are valuable oil bearing more than a mile or so from the apex. Those eight men could get a patent to a mile wide along such an apex for 8 miles by drilling eight wells, and would pay nothing for the land. It takes eight men under the placer act to secure 160 acres. One man can locate four sections under this bill, and eight men, the number that would be required to locate one claim under the placer act of 160 acres, could cover an anticlinal, as I say, for 16 miles and secure patent for lands half a mile wide for that distance, or a mile wide for half that distance. You could cover under three or four of these 2,560-acre propositions all the valuable oil lands in any field.

And then what must be done? Drill one well on four sections of land, find some oil somewhere on one of the four sections, and get a fee title without paying a cent on a section, which need not be the section on which the well was drilled. [Applause.]

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask unanimous consent, Mr. Chairman, to proceed for five minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. FERRIS. Reserving the right to object, Mr. Chairman, I ask that debate on the amendment be closed at the expiration of 10 minutes, 5 minutes to be used by the gentleman from Wyoming and 5 by some member of the committee opposed to the amendment.

Mr. MANN. I want to offer an amendment to the paragraph.

Mr. FERRIS. On this amendment?

Mr. MANN. Yes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on the pending motion be closed in 10 minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, under the present law, that has been denounced on this floor, it requires eight men to locate a 160-acre oil claim. Eight men must have an active interest to get 160 acres. They must discover oil on that particular 160 acres. They must pay \$2.50 an acre to get it. They must continually prospect or develop to discovery, otherwise their claim is liable at any time to be taken from them. But under this proposed law one man can take 16 times as much as eight men can take under the placer law.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield for a question?

Mr. MONDELL. I regret I can not. I have only five minutes. I want to have the House understand this situation. Some gentlemen have thought that I was too liberal in my views in regard to land legislation. I am liberal when liberality means

settlement and development. [Applause.] But I am not in favor of passing public lands into the hands of men without requiring development and without insistence upon development, and these provisions of this law can not be defended by anyone who understands what they mean. These provisions are an outrage. [Applause on the Republican side.]

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I did not appear before the committee on this matter. I did not have an opportunity to, although I requested several times the opportunity to appear. Gentlemen complain because I am taking time. If I had had a little time before the committee I would not have taken so much time on the floor. Gentlemen seem to think that the Secretary can say how many prospecting permits he can allow within a given territory. He can not do it unless he attempts to use the strong arm of his authority to make nugatory every provision in the bill. I can go beside a well gushing a thousand barrels in 24 hours, or 10,000 barrels, and with three others I can surround it with four 640-acre claims, and without doing anything but drilling one well on each—all in developed territory, possibly—we can get a section in fee of that land; and yet gentlemen tell us that this is an improvement on the placer act, which California operators did not like because it kept them busy, because under it they had to drill, because under it if they did not develop somebody would come along and develop it.

There never was—I repeat it, and I repeat it measuring my words—there never was a bill brought into this House that gave the wide-open opportunity for easily securing enormous grants of valuable lands that this bill does under those provisions under which the permittee may secure a patent to a section of land on which he may never have dropped a drill. The Secretary can not limit the number of permits granted in a given territory; he should not. Every man who wants a permit or a lease in good faith should have it. The evil follows under the patenting provisions of the bill; they should be modified or taken out. The bill should be made a leasing bill in fact as well as name.

I am not so tremendously tender about men securing rights to land on the public domain that I am disposed to shy at any reasonable legislation that gives men a right in fee simple, provided they settle, provided they develop. But this law gives these privileges without any requirement whatever except that somewhere on four sections of land a man shall have dropped one drill to oil. Under the present law in order to hold 2,560 acres there must be 16 claims. It is true that the same people may be interested in all the 16, but to hold it prior to patent 16 drills would have to be dropping if competition were lively. Every one of the quarter sections would have to be under constant development. Then the \$2.50 an acre must be paid, and the long and tedious process of obtaining patents under the mineral laws gone through. Under this act you can go anywhere on the public domain within 10 miles of a developed well and secure your 160-acre patent and your 640-acre preference rights. Ten miles away you can get your four sections, and your section patented, and any gentleman who imagines that the Secretary has any discretion under that provision had better read the bill again. If he has any discretion, how shall he exercise it?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I should like to have that question answered. [Applause.] The provisions for prospecting permits are not too liberal; the provisions in regard to leases are not liberal enough. The permittee should have a preference right to lease his land—all of it. This provision for patents has no place in a leasing bill, and in invoking it the rights of the lessee have been overlooked or curtailed.

Mr. LENROOT. Mr. Chairman, I am glad the gentleman from Wyoming [Mr. MONDELL] has relieved himself in the speech that he has just made. There is one thing that the gentleman from Wyoming lays no claim to, I think, and that is to being consistent. He has attempted to make the House believe that this bill as reported from the committee permits the looting of the public domain. If it does, the gentleman from Wyoming, from the time we commenced the consideration of this bill until we adjourned last Saturday night, was constantly offering amendments permitting greater looting of it than the bill itself permits.

Mr. MONDELL. Will the gentleman permit?

Mr. LENROOT. No; I have but five minutes, and the gentleman did not yield to me. The gentleman for the last five minutes has been trying to show that to permit a man to get a patent to 160 acres of oil land is a gross outrage, and yet when these provisions were under consideration by the Committee of the Whole the gentleman from Wyoming offered an amendment to give a man, not a quarter, but a half.

Mr. MONDELL. Oh, no; a lease.

Mr. LENROOT. No; I beg the gentleman's pardon.

Mr. MONDELL. The gentleman is entirely wrong. I have offered no such amendment.

Mr. LENROOT. I have the amendment; to strike out one-fourth and insert one-half.

Mr. MONDELL. I did offer that.

Mr. LENROOT. Mr. Chairman, the gentleman went on to say:

I do not entirely approve the provision contained in the bill, but if it is to remain in the bill it should remain in the bill in a form that will be workable. I do not believe that under the conditions which exist in the intermountain fields of Colorado, Utah, or Wyoming it will be possible to get men to go into the undeveloped regions or on the borders of regions already partly developed, with no hope of reward for their prospecting, their drilling, and their expenditure other than a patent for one-quarter section within 10 miles of a producing well or 640 acres elsewhere.

And then he went on here for five minutes arguing that 160 acres is not enough to give a man in fee and that he ought to have 320 acres. Mr. Chairman, as a member of this committee, I have had a good deal of patience with the gentleman from Wyoming, but when he makes the speech he has just made, in direct contradiction to the position that he has taken throughout this debate, I have very little patience, indeed, with the argument that he makes. [Applause on the Democratic side.]

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I move to amend, on page 19, in lines 8 and 9, by striking out the words "or of the antitrust laws of the United States."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 19, lines 8 and 9, strike out the words "or of the antitrust laws of the United States."

Mr. MANN. Mr. Chairman, this bill provides for leases on the public domain for various purposes, and this section contains a provision prohibiting a lessee practically from being interested in a selling agent of the lessee's product, and makes a violation of the section a cause for forfeiture of the lease. In addition to that it says that a violation of the antitrust laws of the United States shall be ground for forfeiture. Well, the antitrust laws ought to stand for themselves. There is no more reason that I can see why you should threaten a proposed lessor by saying that if he violates the antitrust laws—and no one can tell in advance in many cases whether he is violating the antitrust laws—he shall forfeit his lease. Now, the antitrust laws are or, I take it, will be quite complete, in the opinion of the majority, when the Clayton antitrust bill becomes a law. Remember, you must get people to make this development if you want the country developed, if you want the coal mined or the gas or oil produced, and you must not threaten a man in advance by saying that if he unintentionally violates the antitrust laws he shall lose his property. I think that is too drastic, and the effect of it probably would be to retard development, while the antitrust laws of the United States will be sufficient to protect the interests of the people.

Mr. FERRIS. Mr. Chairman, I think the gentleman from Illinois is eminently correct in his position. I hope the committee will adopt the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

The amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I move to strike out the last word. Debate was limited upon the Mondell amendment, and I desire to say a little more upon the merits of the contention made by the gentleman from Wyoming.

The purpose of this bill in permitting a patent to 160 acres in fee is to induce discovery of oil, and it is granted upon the theory that that discovery should be rewarded, and with the provision that the remaining lands in a prospecting permit shall be leased is ample protection to the Government. The committee were confronted with this proposition: What is necessary to induce development? And in placing the amount at 160 acres it placed it at the smallest amount that the evidence before the committee showed would induce development; and the arguments made before the committee were exactly those used by the gentleman from Wyoming himself the other day in discussing this very proposition. He then said:

I do not believe it will be possible in many fields to secure development when the only hope that the driller has is that he may secure a

patent, in the majority of cases, to the small area of 160 acres. One hundred and sixty acres, if it were a bonanza field, would be all right. There is not an oil field in one thousand that is a bonanza.

So he goes on making the argument that in order to induce development the reward must be ample. The committee recognized that and believed that the award of 160 acres was sufficient to induce development.

In reference to the gentleman's criticism of the bill as a whole, if any Member who has not already done so will take the bill from beginning to end he will see that the public interest has been safeguarded. True, broad discretion has been placed in the Secretary of the Interior, and it is also true that that discretion is necessary, but the committee will bear in mind that if, perchance, we should have a Secretary of the Interior in the future who should not have the public welfare in view, he could not give away the public domain so far as leasing is concerned. The most he can do is to make a lease for 20 years, and the title remains in the Government.

And so, Mr. Chairman, upon the merits of the proposition, as well as the argument made by the gentleman from Wyoming against his own contention made to-day, this bill, while it is not perfect, is as perfect a measure as the committee could devise.

I want to say one more word. The gentleman from Wyoming has a number of times referred to bills that he has introduced in the past relating to the public domain, and he has referred to the fact that some of us fought the bills he introduced. We did, and in every bill that was introduced you can find jokers enough that would give to private interests the public domain. The gentleman referred to the Alaskan leasing bill a number of times, and yet under the gentleman's bill that he tried to press through this House at that time it would have opened up every one of the Cunningham claims.

Mr. MONDELL. Mr. Chairman, the gentleman from Wisconsin [Mr. LENROOT] has absolutely misstated the Alaskan bill I reported. There was not a line or a syllable or a word in it, and I challenge the gentleman to find one, that would have thrown any claim in Alaska into the courts. All that the bill did was to leave these cases as they are, to be decided by the officials of the Interior Department, just as the bill you passed the other day did. When the gentleman makes a statement of that kind he ought to know what he is talking about, and he certainly does not in this instance.

Mr. LENROOT. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. Did not the gentleman's bill make all leases subject to vested rights?

Mr. MONDELL. It did not. My bill contained a provision under which a claimant occupying in good faith land, with a view of securing a coal title, to the amount of land he was occupying would have a preference right of lease. That meant if the man was in good faith, and that was to be determined by the Secretary, holding 160 acres of coal land—and that is all anybody could hold—he could get a lease of 160 acres. The bill which you passed the other day would allow the Secretary of the Interior to lease to Clarence Cunningham one-half of the lands of his original consolidated claim and to some other claimant the other half, and that is about what I expect will be done.

Coming back to our chestnuts, the gentleman says that the other day I claimed that the right to secure title in fee was not broad enough. The gentleman remembers this was the argument. I challenged that whole proposition. I said I did not believe in mixing a leasing bill with the granting of a title in fee. The bill I introduced did not grant a title in fee; it was purely a leasing bill. I then voiced some of the fears in regard to that provision I have now expressed.

The gentleman then said that the Secretary of the Interior could, in his opinion, exercise his discretion in such a way that only one of these permit rights could be acquired in a given territory. It was not my understanding of the bill; it struck me by surprise. If that were true, the bill did not give a discoverer enough, and so I offered an amendment to give him half. If one man only could get a permit within 10 miles—and that was the gentleman's argument—if the Secretary could say that only one man could get a permit within 10 miles of a well, and only one man beyond 10 miles, the grant of title in fee was not enough. But the fact is that this bill has no such limitation; in fact, such a limitation is ridiculous and absurd on its face; it would be unworkable.

If this law was in force and 10 men came along and asked for permits alongside of each other, the Secretary would be compelled to grant a permit to every one of them. The gentleman from Wisconsin shakes his head. How would you decide between them? By the color of their hair? By the fact that some wore false teeth? What rule could there be invoked under

which you could deny any one of 10 men, coming on an equal basis, making the same sort of application, a permit to prospect adjacent undeveloped territory? They would all have to be denied or none. In fact, none should be denied. The more drills that we can have dropping out in that country, in reason, the better. The fault lies in what follows under your bill.

So within the 10-mile limit there is no rule in the bill which contemplates the allowance of a permit to one, the denial to another. That is an imaginative theory that gentlemen have invoked here since we began the discussion of the bill. There is nothing in the bill that warrants it. The Secretary must grant to all who come under like circumstances and conditions, or he must deny all. You have given him no rule under which he can differentiate. There can be no such rule.

What people will do and are warranted and guaranteed in doing under the bill is to go into promising new territory and take it all up; divide it up among applicants; go into old territory and take all there is that anybody wants. It is true that there is one provision under which it would seem, reading that provision alone, that after land had been included in a permit it could not thereafter be included in another permit, but there is another provision of the leasing section that nullifies that provision, in my opinion; so I doubt if there is an acre over which the Secretary could not grant these permits that lead to patents. Now, this whole difficulty arises out of the effort to combine legislation granting a title in fee with legislation with regard to leasing. If we are going to lease, let us lease. That is what we have been talking about; that is what we have been proposing to legislate about; that is what we have, some of us, reluctantly accepted. If we are going to do it, let us do it. It is a simple thing. Give the Secretary the right to issue permits and let the permits ripen into leases if the operator is successful in getting outside districts. There can not be favoritism under that kind of a law. There must and will be development.

The CHAIRMAN. The time of the gentleman has expired. The Clerk read as follows:

Sec. 24. That any permit, lease, occupation, or use permitted under this act shall reserve to the Secretary of the Interior the right to permit for joint or several use such easements or rights of way upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes: *Provided*, That said Secretary, in his discretion, in making any lease under this act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: *Provided further*, That if such reservation is made it shall be so determined before the offering of such lease.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 20, line 3, after the word "lease," insert:
"That the said Secretary during the life of the lease is authorized to issue such permit for easements herein provided to be reserved."

Mr. LENROOT. Mr. Chairman, this amendment possibly is not necessary, but it was thought wise to insert it in the Alaska bill, and I think it ought to be inserted here. The section provides that there may be a reservation in the lease reserving to the Secretary the right to permit an easement to pass through this land, but it does not affirmatively give the Secretary the right to issue such permit, and this makes it affirmative.

Mr. RAKER. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. RAKER. The reserved right does not definitely give the Secretary the power. We did that in the Alaska bill.

Mr. LENROOT. Yes; we did that in that bill, and this gives him the power.

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out the proviso beginning in line 20, page 19, down to the end of the section.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 19, line 20, strike out the proviso beginning in line 20 down to the end of the section.

Mr. MONDELL. Mr. Chairman, I do not intend to take up the time of the committee but a moment on this. I think the wisdom of this provision is doubtful. We have a lease under which, prior to the taking of the land for mining, the development of coal, oil lands, phosphate lands, the surface rights may be acquired, and I doubt if it is wise to have a provision of that sort after the operation begins. Of course, it is true that on one of these larger areas there may be more land than the operator needs, and yet after the operation actually begins I

think in a majority of cases there would be likely a good deal of friction between the party who, after the operation, got the title and the original owner.

Mr. LENROOT. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. LENROOT. The last proviso provides that a reservation must be made before the lease is made.

Mr. MONDELL. My objection is giving the Secretary authority to do it. I have doubt of the wisdom of it. There might be cases where it would be wise for the Secretary to withhold some of the surface, but they would be so few that it is not necessary or wise to grant the Secretary this authority.

Mr. MANN. Mr. Chairman, suppose a man under this gets a lease for 640 acres for oil, what is to become of the surface? Assuming it is good agricultural land, what is to become of the surface?

Mr. FERRIS. A reservation can be incorporated in the lease, under the provisions of this section, so it can be used for agricultural purposes and passed to the tax rolls and used as other agricultural lands are.

Mr. MANN. The gentleman from Wyoming says it would not ordinarily be agricultural land; I do not know what the facts may be; I have not been in much oil territory, except passing through Ohio, where I know it is very good agricultural land, and down in Illinois it is better agricultural land than is found in the State of Wyoming. I notice this is only in the discretion of the Secretary.

Mr. FERRIS. Yes.

Mr. MANN. Suppose he does not exercise his discretion, then what is to become of the surface?

Mr. FERRIS. The thought of the committee and the thought of the department was that if it were hilly, broken, worthless land no one would want to use it for agricultural purposes, and there was no use to cumber the lease with the provision reserving the surface and the friction that might arise and go with it. You can not lay down a fixed rule and say in all cases where you find oil it is not agricultural land, because on the bald territory of my State, where lands are good agricultural lands, we often find the very best oil.

Mr. MANN. What I want to get at is this: Suppose you make a lease, is this a lease of the land or a lease of the privilege of taking the oil?

Mr. FERRIS. It can be either one or both. You can lease for deposits where the surface is of value, and where the surface is of no value you can lease for both.

Mr. MANN. Why not provide under this bill you only can lease the right to take the deposits? You do not provide even on coal lands that the man would have the right to farm the surface.

Mr. FERRIS. We did that in both the Alaska bill and the power bill, and in this bill we have reserved the right for the Government to reserve the surface for agriculture or lease all as it deems advisable.

Mr. MANN. He could not secure the right to lease the surface?

Mr. FERRIS. No—

Mr. LENROOT. That is, with the deposits.

Mr. FERRIS. Yes; with the deposits; that is true. In all three of these bills that right is preserved.

Mr. MANN. I doubt very much whether the gentleman is correct about that. Here is a piece of land, a section, and you charge so much royalty for whatever you mine from it, and charge so much rent per acre. Now, that charge is the same whether you lease the surface or do not lease the surface.

Mr. FERRIS. That is true.

Mr. MANN. My recollection is that you only allow the use of the surface to such an extent as would be necessary for the operation of the business.

Mr. FERRIS. That is in the event that the surface is retained for agricultural purposes, and the fact that we charge a rental per acre would not make any difference whether the surface was retained or not. You might as well say—

Mr. MANN. What I wanted to get at is this: It is perfectly patent that if the surface can be used to any advantage somebody should be permitted to make use of it.

Mr. FERRIS. Precisely.

Mr. MANN. Either it should be given to the lessee, who can make use of it for any purpose he pleases, or else the right should be reserved to the Government to let anybody else make use of it. While you say the land is not valuable, there is very little land of that kind that will not be valuable for agricultural purposes, or grazing purposes, or the raising of timber, or something of that kind. There ought to be no question about it.

Mr. LENROOT. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. LENROOT. In the case of coal or oil, the option is expressly given to the Secretary to lease the lands or the deposits. In the case of phosphates it is the deposit only.

Mr. TAYLOR of Colorado. It provides for it being taken by legal subdivision. They would not lease it by metes and bounds.

Mr. NORTON. Mr. Chairman, I move to strike out the last word. If I understand the provisions of the bill rightly—and I would like to inquire of the chairman of the committee concerning his interpretation of this feature of the bill—it is this, that if a permittee makes application for a permit for 2,560 acres, and sinks a well of 500 feet on the 2,560 acres, and discovers even a small amount of oil, then under his permit he is entitled to a patent to 640 acres of land? Is that right?

Mr. LENROOT. That is, outside of the 10-mile limit.

Mr. NORTON. Now, what is the character of the patent? Is it an unlimited and unqualified patent in fee simple to the land?

Mr. FERRIS. Yes.

Mr. NORTON. I want to say to the committee that if such is the provision of this bill, from my experience in the West I am inclined to believe that large tracts of this land will be gobbled up fraudulently and through mere pretensions of explorations for oil. Thousands of acres of Government land in California, Wyoming, Colorado, and in my own State, under cover of such provisions of this bill, will be taken up and title acquired thereto solely for their value as grazing lands.

Mr. RAKER. Will the gentleman yield right there?

Mr. NORTON. Not just now; in a moment. I can see, then, in this bill the widest latitude for fraud in acquiring title to Government land for grazing purposes in the West, and these lands to-day are worth from \$4 to \$10 an acre, not for actual farming, but for grazing purposes. And I trust that the bill will not be passed in its present form. I see no reason why title to the surface should be given to one who in good faith desires to use the land for exploring it for oil or for gas.

Mr. FERRIS. Will the gentleman yield right there?

Mr. NORTON. Yes; certainly.

Mr. FERRIS. Of course, the gentleman knows that the great bulk of the 700,000,000 acres of land that yet remains unentered in Alaska and the western part of the United States has not any great value unless something of that sort is discovered. Now, if we offer an inducement, which is 640 acres in fee outside of the 10-mile limit, and 160 acres within the 10-mile limit, and if the Government receives back three-fourths of the area prospected and developed so it becomes known oil territory of value, does not the gentleman think that in converting of land that is not worth more than \$1.25 an acre for grazing or pasture purposes into known oil land the Government will be ahead?

Mr. NORTON. If it all came true as the gentleman pictures it, it would. Will the gentleman tell me what there is in this bill to protect the Government against a case of this kind? A man takes out a permit for 2,560 acres; he sinks a well 500 feet deep on it. In that territory there is some oil, but not oil of any considerable commercial value. He immediately gets title to 640 acres. He abandons his permit or lease to the balance of the land when he has secured title in fee simple to 640 acres. Another man joins him, and they proceed to acquire title to this land, as I predicate, for grazing purposes. This man also takes out an oil permit for 2,560 acres, the three sections that were abandoned by the first permittee and an additional section. He sinks a 500-foot well and proceeds to acquire title to 640 acres in the way the first permittee did.

Mr. FERRIS. It becomes known territory, and that in the immediate range of production, and it is only leased, and no patent given for those areas. It is only for operating under the permit in unknown territory where you get any patent at all.

Mr. NORTON. Such land reverts to the Government, does it not, when it is abandoned, and it is then land within 10 miles of a known oil well and subject to all the provisions of this bill?

Mr. FERRIS. But the Secretary is not going to include any prospector's permit for lands to be known as oil territory.

Mr. NORTON. I am not a prophet nor the seventh son of a prophet, but I predict that is what will take place under the provisions of this bill if title for 160 or 640 acres of the surface is given to any permittee who may drill an oil or gas well to a depth of not less than 500 feet.

Mr. LENROOT. Assuming that is true, does the gentleman know how much it would cost to drill a 500-foot well?

Mr. NORTON. Yes; I think I have a fair idea of such cost.

Mr. LENROOT. About how much?

Mr. NORTON. It would cost in an ordinary section of the country less than \$1,000.

The CHAIRMAN. The time of the gentleman from North Dakota [Mr. NORTON] has expired.

Mr. RAKER. Mr. Chairman, I do not really believe any explanation of this provision is necessary, but every idea of my friend who has just left the floor [Mr. NORTON] is refuted by the bill itself.

In the first place, as stated, after a well has been discovered it becomes known territory. In the next place, the bill permits the Secretary to reserve all the surface of the land if he so desires, even in the permit, so that, as a matter of fact, this bill, instead of throwing it open, as suggested by the gentleman, gives the Secretary of the Interior power to reserve every foot of the surface, so that it can be used for homestead and grazing purposes.

Mr. Chairman, I ask that the Clerk read.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I hope the committee will accept.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 20, line 1, after the word "therein," insert the following: "and in carrying on the operations necessary or convenient in connection therewith."

Mr. MONDELL. Mr. Chairman, the provision which is contained in the proviso authorizes the Secretary to dispose of such portion of the surface as is not necessary for the use of the lessee in constructing and removing the deposits therein.

I assume that the Secretary, exercising that discretion, could exercise it as he saw fit, and that he could exercise it in the broadest way. But in addition to the lands needed for the purpose of mining and removing the deposits, lands will be needed in connection with all these operations for purposes convenient and necessary in connection with the operations, in addition to the lands needed for the actual operations of mining or drilling. It is generally necessary to provide houses and offices and buildings of one sort and another in connection with the operation, in addition to the structures actually necessary for the removing of the mineral product; and my amendment proposes to add these words as a guide to the Secretary in the exercise of his discretion. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 25. That no lease issued under the authority of this act shall be assigned or sublet, except with the consent of the Secretary of the Interior. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed by said Secretary shall be observed, and such other provisions as he may deem necessary for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare.

Mr. RAKER. Mr. Chairman, I offer the following amendment, which has been considered by the members of the committee.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California [Mr. RAKER].

The Clerk read as follows:

Amended by adding, on page 20, line 11, after the word "observed," the following: "including a restriction of the workday to not exceeding eight hours in any one day for underground workers except in cases of emergency, provisions securing the workers complete freedom of purchase, requiring the payment of wages at least twice a month in lawful money of the United States, and providing proper rules and regulations to secure fair and just weighing or measurement of the coal mined by each miner."

Mr. RAKER. Mr. Chairman, I will not take up any of the time of the committee, except to say that this is the amendment prepared by the gentleman from Maryland [Mr. LEWIS], which was put upon the Alaska coal bill. Everyone seems to be in favor of this legislation, and the members of the committee, practically all of them, have gone over it and believe it ought to be adopted. It carries the same provisions as the Alaska coal bill. I am heartily in favor of this amendment. I ask for a vote on the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, I have another amendment which the committee has considered.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 6, after the words "Secretary of the Interior," insert the following: "the lessee may, in the discretion of the Secretary of the Interior, and upon a finding by the Secretary that such action will not be incompatible with the public interest, be permitted at any time to make written relinquishment of all rights under such a lease, and upon acceptance thereof be thereby relieved of all future obligation under said lease."

Mr. RAKER. Mr. Chairman, the members of the committee have gone over this amendment and have submitted it to the Secretary of the Interior, and he is in favor of it. Many of the miners or oil people have telegraphed in regard to it, and the object of it is that when a lease has been obtained, say, for 20 years, and the party desires to quit and surrender the land to the Government, when in the discretion of the Secretary of the Interior it is not incompatible with the public interest, and no damage or injury to the public will be done, the Secretary may accept it and the party be released, and the land is then opened for redistribution without any claims against it. That is practically the purpose of this amendment.

Mr. MONDELL. Mr. Chairman, I want to be recognized to support the amendment of the gentleman. I thought the gentleman was through.

Mr. RAKER. I think that is all I have to say in presenting the matter. It certainly should be adopted.

Mr. MONDELL. Mr. Chairman, I am glad that after a time the virtue of the suggestions that I have offered one after another soaks in. I called attention the other day, when another bill was under consideration, to the fact that there was no provision under which a lease could be surrendered, but little heed was given then to the amendment I offered. I am glad to support the provision now offered, although it is a lame, halting, and altogether inadequate proposition, because it does not provide specifically what the lessee must do, as my amendment did, and what he may not do—that he may not remove structures the removal of which would endanger the property; that he may remove all other improvements that are put upon the land that would not affect its value, and otherwise make provisions that are necessary.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. RAKER. This amendment would not permit the man to close up the well he had bored, and would not permit him to do any of the things that would be disadvantageous to the releasing of the land; but the Government's interests are protected in every instance. But if a man believes that he can not proceed in his own interest and presents the case to the Government, in the discretion of the Secretary of the Interior, where the interests of the Government will not be jeopardized, the Secretary can say to him, "All right, old boy, move off, without disadvantage to anyone, and we will permit somebody else to go on."

Mr. MONDELL. As a matter of fact, a man ought to be allowed to relinquish the lease at any time, if he leaves the property in good condition.

Mr. RAKER. There ought to be some restriction placed upon him.

Mr. MONDELL. While the gentleman's amendment is of such a character that under it the Secretary might make rules and regulations that would be satisfactory, yet it seems to me it would be better if we should definitely provide what may and what may not be done by the lessee. I propose to offer an amendment a little later to cover this matter of surrender of the lease. In the meantime I support the amendment now offered as a halting step toward remedying the defect I pointed out in another bill of this character—the Alaska bill.

Mr. MANN. Mr. Chairman, I should like to get a little information. This section provides that no lease issued under the authority of this act shall be assigned or sublet, except with the consent of the Secretary of the Interior. How is that consent to be given?

Mr. RAKER. If I may be permitted to answer, from going over it in the committee, and as thorough an investigation of this subject as one could well make, I think it must be evidenced by a document in writing.

Mr. MANN. Well, here is a man who wants to take a lease, or he has taken a lease, and he wants to open a mine. He probably will want to borrow money. He must give a mortgage upon his leasehold interest. Every time he wants to do that has he got to go to the Secretary and get a special permit?

Mr. RAKER. If he desires to encumber the lease in any way, I think so. That was the intention of the committee.

Mr. MANN. Then, the committee did not intend to have the Secretary make general regulations under this law, but every time that the lease is to be assigned or mortgaged he has to get the consent of the Secretary of the Interior for that special application?

Mr. RAKER. No; I will say to the gentleman that it is my view, and I believe the committee are with me in that view, that under section 31 general rules and regulations would be made in relation to encumbering the lease and the claim for specified purposes, namely, to obtain money for well material and other things that would assist in developing.

Mr. MANN. Evidently the gentleman does not have a well-settled opinion upon that, because when I first asked him he said it would be evidenced by a paper, a special permit. Now he says it is by general regulations. Which is it?

Mr. RAKER. When I answered the gentleman first I meant in relation to the work, which would have to be evidenced in writing, but my mind is clear upon the second question as presented by the gentleman.

Mr. MANN. I have asked only one question. Here is the provision—that the lease can not be assigned or sublet except with the consent of the Secretary of the Interior.

Mr. RAKER. I will answer that.

Mr. MANN. Let me ask it first. Is that consent to be given on a special application in each case where the lessor desires to borrow money, to make a mortgage upon his leasehold interest, as he will have to do in every case, probably, or is it to be a general regulation, where the Secretary gives consent in all cases for the borrowing of money?

Mr. RAKER. My view of the matter is that, as the question is propounded by the gentleman, there would be general rules and regulations covering all cases where the loan or subletting was for the purpose of developing the mine.

Mr. MANN. You could not have that. No one knows what the money is intended for. It seems to me it would be desirable to allow the lessor to exercise his own judgment as to whether he wanted to execute a mortgage upon the lease, giving some control to the Secretary if the mortgage is foreclosed, perhaps. I think that would cover it, anyhow. But to say that every lessor who wants to execute a chattel mortgage upon his interest must apply to the Secretary of the Interior, and, as we all know, go through a long rignarole to have the application acted upon, may prove a denial of justice.

Mr. RAKER. As it appears to me—I am not speaking for the other members of the committee—it is provided in some of the other bills that the Secretary of the Interior would not permit general subletting or leasing for general purposes unless it was for the purpose of developing the claim. That is as it appears to me, and I believe that is the purpose of it. It would be a wrong thing to permit subleasing generally.

Mr. MANN. Then the gentleman's position, reduced to plain terms, is that if the lessor wants to borrow money and execute a mortgage upon his lease, he has not only got to show the Secretary how much money he wants to get, and the condition of the property, but he has got to demonstrate to the Secretary in advance what he is going to do with the money when he obtains it.

Mr. RAKER. No; I believe—

Mr. MANN. That is the position the gentleman stated.

Mr. RAKER. I believe the first statement is eminently correct, because those who desire to borrow money, where there is a public-utilities commission for such purposes, must show what they are borrowing it for, and what their plan is. Now, this is a Government concern, and a man ought not to be borrowing money generally upon his permit for outside purposes. But if it is, after he has permanently located his well, and it is a going well, and his finances are in proper shape, regular general rules and regulations ought to be adopted, and undoubtedly will be under this bill, so that he may do as the gentleman says.

The CHAIRMAN (Mr. PAGE of North Carolina). The time of the gentleman from Illinois has expired.

Mr. FERRIS. Mr. Chairman, the amendment offered by the gentleman from California [Mr. RAKER] is quite a far-reaching amendment, and I take it the House would like to know where it came from and how it came to be offered, and all those facts. I think I can give those facts, and then the House can determine for itself what it wants to do.

Several practical oil men came to me. Some of them were from California, and one or two, I think, were from Oklahoma. They called my attention to the fact that leases for oil lands, both Indian-land leases and private-land leases, contain a provision known to oil men as the right of surrender. In other

words, in the practical workings of oil development, as men go on the land and drill and try to discover oil, some of them go broke and have to quit and let loose of what they have done. In other instances they find little oil, not in paying quantities, and they are unable to carry it on. There are numerous reasons that may make it impossible for the lessee to go on with the contract. Now, they had an amendment which authorized the lessee to quit summarily whenever he wanted to, without any arrangement whatever. I told them that that looked unfair to me; that in a contract between the Federal Government and the lessee for oil, to allow the lessee to quit at any time, whether it was for the best interest of the Government or not, I thought was unfair. I sent the delegation to the Interior Department to see what they could do, and they had a conference. The Interior Department drafted the amendment which has been offered by the gentleman from California [Mr. RAKER] and just as he offered it. On that subject they go on to say that they do not think that they ought to have the right to relinquish the lease summarily and walk away, but they do say that if drafted in this language—that upon a finding by the Secretary of the Interior that his retirement or his relinquishment or surrender of the lease will not jeopardize the public interest in any way—he ought to have that right.

I do not feel keenly about it at all, but the House can see that after a man is broke and can not go any further with his drilling, or after the oil is exhausted, after the mineral is exhausted, he ought not to be required to pay an acreage rental on the land after it is all over; and if you do so, you make a man stand back at the initial point, and it serves as a barrier to development.

Mr. MANN. Will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. MANN. I take it that no one will relinquish a lease as long as he thinks it is worth anything.

Mr. FERRIS. Not unless he goes broke.

Mr. MANN. He will not release it then unless he is denied the right of assigning it, and that probably would not be done. How long are these leases for?

Mr. FERRIS. Twenty years, with the privilege of 10 more.

Mr. MANN. During that time a man is required to pay, first, a royalty and then a rental.

Mr. FERRIS. Transpose it—first a rental, and then, if he gets oil, he pays a royalty.

Mr. MANN. He pays a rental and a royalty?

Mr. FERRIS. Yes.

Mr. MANN. If the oil or coal is exhausted during the period of the lease, he will not pay any more royalty, and this permits him to escape the payment of further rental?

Mr. FERRIS. It does. It is a question whether the House wants to do it or not. I have no feeling about it.

Mr. MANN. I am not saying that it ought not to be done. If he relinquishes, he loses any further rights in the land itself?

Mr. FERRIS. He does.

Mr. MANN. So that the Government can rent or otherwise dispose of the land.

Mr. FERRIS. It can make any other disposition it chooses. The lessee can only relinquish it after the Secretary finds that it is for the best interest of the Government to do it.

I called upon the Indian Office to see if they were right, and they told me that in leasing the lands in my State every one has a provision that the lessee can get out and surrender upon certain terms. Some of the leases differ as to certain provisions, but every one of them has a provision allowing the lessee to quit when the oil is gone.

Mr. MANN. Suppose the oil well is exhausted in 10 years' time—

Mr. FERRIS. That sometimes happens.

Mr. MANN. Suppose it fails and he has a lease requiring him to pay rental for another 10 years on land that is worthless. He is required to pay \$1 a year rental, and that is on a basis pay of \$20 an acre of the value of the property. Should the Government require him to pay that rental when he is making no use of the land? And yet it would not be for the best interest of the Government to permit the man to relinquish.

Mr. FERRIS. True; it is a concession to the lessee to allow him to surrender; and the Government runs the risk of being defeated and beaten out of a part of the rental.

Mr. MANN. The other man runs the risk. I do not see why it would not be perfectly fair for the man who is trying to get something out from under the surface of the soil upon which he pays a royalty, when he has finished and abandoned all there was, to say that it is all off. But this does not go that far.

Mr. FERRIS. They had an amendment that went that far.

Mr. MANN. I would go that far.

Mr. FERRIS. On the face of the proposition as it came to me, to say in a contract between the Government and the lessee that the lessee could drop everything and run looked like a one-sided proposition. I thought, and the Interior Department thought, that we ought to let the Secretary of the Interior make a finding that the interest of the Government would not be jeopardized. There might be a case where the operator would lose the control or where he failed to get money to operate.

Mr. MANN. I think it ought to be left to the discretion of the department, but to say that the Secretary must find that the relinquishment is for the best interest of the Government would forbid him to relinquish where the mineral was all exhausted and the surface of the land was not worth as much as \$20 an acre.

Mr. FERRIS. That is true, too; that may be too drastic.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for one minute.

The CHAIRMAN. The gentleman from California asks unanimous consent that the time of the gentleman from Oklahoma be extended one minute. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, I want to say to the gentleman from Illinois that a number of people have telegraphed me in regard to this matter. I have some of the telegrams here, which I will insert in the Record:

LOS ANGELES, CAL., September 17, 1914.

Hon. JOHN E. RAKER,

House of Representatives, Washington, D. C.:

Referring to Ferris bill, House bill 16136, we earnestly request the assistance of yourself and other California Representatives on the addition of the following amendment, on page 14, line 25:

"And also with the right in the lessee to at any time make written relinquishment of all or any part of the lands held under lease, and thereby abate the rental pro tanto: *Provided*, That more than one lease may be granted to the same person, association, or corporation if the aggregate area does not exceed 640 acres."

JOHN BARNESON,

OPHIR OIL CO.

COALINGA NATIONAL PETROLEUM CO.

KERN RIVER DRILLERS OIL CO.

PETROLEUM NORTH MIDWAY OIL CO.

BANKLINE OIL CO.

ELLIOTT OIL CO.

MINOR OIL CO.

MURIEL OIL CO.

LOS ANGELES, CAL., September 15, 1914.

Hon. JOHN E. RAKER,

House of Representatives, Washington, D. C.:

Referring to Ferris bill, now on passage House, No. 16136, we urgently request the assistance of yourself and other California Representatives in adding the following amendment, or the substance thereof, on page 14, line 25, to wit: "And also with the right in the lessee to at any time make written relinquishment of all or any part of the lands held under lease and thereby abate the rental pro tanto: *Provided*, That more than one lease may be granted to the same person, association, or corporation if the aggregate area does not exceed 640 acres."

THE PETROLEUM CO.

THE YORBA OIL CO.

BRAND & STEVENS (LTD.).

C. L. WALLIS.

LOS ANGELES, CAL., September 16, 1914.

Hon. JOHN E. RAKER,

House of Representatives, Washington, D. C.:

Referring to Ferris bill, now on passage House, No. 16136, we urgently request the assistance of yourself and other California Representatives in adding the following amendment, or the substance thereof, on page 14, line 25, to wit: "And also with the right in the lessee to at any time make written relinquishment of all or any part of the lands held under lease and thereby abate the rental pro tanto: *Provided*, That more than one lease may be granted to the same person, association, or corporation if the aggregate area does not exceed 640 acres."

T. SPELLACY.

LOS ANGELES, CAL., September 16, 1914.

Hon. JOHN E. RAKER,

House of Representatives, Washington, D. C.:

Referring to Ferris bill, now on passage House, No. 16136, we urgently request the assistance of yourself and other California Representatives in adding the following amendment, or the substance thereof, on page 14, line 25, to wit: "And also with the right in the lessee to at any time make written relinquishment of all or any part of the lands held under lease and thereby abate the rental pro tanto: *Provided*, That more than one lease may be granted to the same person, association, or corporation if the aggregate area does not exceed 640 acres."

MIDWAY NORTHERN OIL CO.,

W. S. MCGUIERT, President.

MARICOPA NORTHERN OIL CO.,

RUDOLF MAUSARD, President.

Mr. MANN. I think that would be going too far, but I do not see any objection to permitting the Secretary in his discretion to permit the relinquishment.

Mr. RAKER. But I suppose the amendment as it is now protects both about as well as we could.

Mr. LENROOT. Mr. Chairman, I move to strike out the last word. A moment ago there was some controversy between the gentleman from Illinois [Mr. MANN] and the gentleman from

California [Mr. RAKER] as to the construction of the first sentence of this section, as to whether the language "assigned or sublet" would permit the Secretary of the Interior by general rules and regulations to permit the assigning or subletting of leases. I understand the gentleman from California took the position that the Secretary might under such general rules and regulations give such permit. Of course what we say here about the provisions of the bill do not affect its legal construction, and yet whenever the Department of the Interior comes to administer this law they may probably be affected by what the understanding of the House was, and I want to say that I do not believe that that was the idea of the committee, nor do I think the proper construction of the language itself permits the construction given by the gentleman from California. I think under the language, and I think that was the thought of the committee, that in each case before a lease could be assigned or sublet there must be express permission for so doing, upon the theory that before the Government accepts a new lessee the Government should have something to say in the individual case as to who the lessee might be, because the Government would be interested in knowing whether the proposed new lessee was financially able to carry on the operation and comply with the terms of the lease. I merely wanted to say that because I did not wish by silence to let the record stand with the construction that I understand the gentleman from California gave to it.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. JOHNSON of Washington. Dropping back to page 10 for a moment, I wish to ask the gentleman, who is a member of the committee, regarding proposed oil leases on forest reserves and the final patent in case of the discovery of oil. If a man secures such a patent for 640 acres of land, will he be entitled to the other minerals which the land might contain, outside of those named in this bill—for instance, gold, copper, manganese, and other minerals that he knows to exist in the Olympic Forest Reserve, in western Washington?

Mr. LENROOT. I think he would.

Mr. JOHNSON of Washington. Does not the gentleman think that confirms the statement made by the gentleman from Wyoming [Mr. MONDELL], that this is giving away right here, without intending to do it, an enormous privilege, if oil is found?

Mr. LENROOT. That is probably true; and yet under our general land laws the same situation prevails. If a man makes an agricultural entry upon a forest reserve, he gets all the minerals.

Mr. JOHNSON of Washington. I think he gets only the surface rights. Now, then, we have amended this bill to permit leasing in one particular monument—the Mount Olympus monument—consisting of more than 600,000 acres, which has not so much forest as it has minerals. It is a broken, mountainous country, and at the time we made that exemption I did not quite realize the amount of land a man could patent in case oil is found. The geological experts here say that the oil indications and seepages we have discovered down toward the ocean indicate that the oil lakes are back in the mountains, or, in other words, within the lines of the monument, where also lie minerals. I want to call attention to that fact, which is bearing out what the gentleman from Wyoming has said—that we may be giving away, unintentionally, some great rights.

Mr. LENROOT. I will say very frankly the attention of the committee was not brought to that particular proposition, and I think there is merit in the suggestion which the gentleman makes. However, this is true, that in agricultural entries, as in every other form of entry which is now made, it applies in the same way.

Mr. JOHNSON of Washington. There is this feature about it, however: When the monument was made it absolutely cut out and ruined any number of prospectors; but in this bill, if it passes, some of these men who tried to make mineral claims can go back into the monument. Then, if oil is discovered, they will come into the mineral rights that they originally expected to receive.

Mr. MANN. Mr. Chairman, I move to amend the amendment by striking out of it, beginning in line 3, "and upon a finding by the Secretary that such action will not be incompatible with the public interest."

The CHAIRMAN. The gentleman from Illinois offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by striking out, beginning with line 3, the following words: "and upon a finding of the Secretary that such action will not be incompatible with the public interest."

Mr. LENROOT. Mr. Chairman, may we have the amendment reported as it would read?

The CHAIRMAN. Without objection, the Clerk will report the amendment as it would read.

The Clerk read as follows:

After the words "Secretary of the Interior" insert: "and also may, in the discretion of the Secretary of the Interior, be permitted at any time to make certain relinquishment of all rights under such a lease and upon acceptance thereof be thereby relieved of all obligations under the said lease."

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois to the amendment offered by the gentleman from California.

The question was taken, and the amendment was agreed to.

The question was taken, and the amendment as amended was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out section 25 and insert the following.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of section 25, on page 20, and insert the following:

"Sec. 25. That all leases issued under the provisions of this act shall be upon the condition that the lessee shall proceed with due diligence and with adequate equipment to develop the oil or gas in said lands and to produce oil or gas therefrom during the life of the lease in such quantity as the condition of the market and the producing capacity of the land shall justify. That the lessee shall not monopolize, in whole or in part, the trade in oil or gas. That he will at all times sell the oil or gas extracted from the leased premises at just, fair, and reasonable rates, without the giving of rebates or drawbacks and without discrimination in price or otherwise as between persons or places for a like product delivered under similar terms and conditions. That the producing operations shall be carried on in a workmanlike manner, without undue waste and with especial reference to the safety of all employees. That the leased premises and wells drilled thereon and all maps and records of production shall at all times be subject to inspection and examination by such officers as may be provided by law or designated by the Secretary of the Interior for such purpose. That the lessee shall observe, abide by, and conform to all of the provisions and limitations of this act, and that he shall pay promptly all rents and royalties when due; and the Secretary of the Interior, or any person in interest, may institute in the United States district court for the district in which the lands are located appropriate proceedings for the enforcement of the terms of the lease or for its cancellation for violation of the terms thereof or of the provisions of this act. Said leases shall also be upon the condition that the United States shall at all times have a preference right to take so much of the product of any well or wells drilled upon the leased land as may be necessary for the use of the Army or Navy or Revenue-Cutter Service, and pay such reasonable and remunerative price therefor as may be fixed by the President; but the owner of the product so taken who may be dissatisfied with the price so fixed shall have the right to prosecute suits against the United States, in the United States district court for the district in which the lands are located, for the recovery of any additional sum or sums claimed to be justly due upon the oil or gas so taken."

"That no lease shall be granted or issued until the applicant shall have given a bond to the United States, in such sum and with such security as the Secretary of the Interior may prescribe, for the payment of the rents and royalties, for the due and faithful compliance with all the terms and conditions of the lease, and for the protection of the owner, as provided by law, in all cases in which the lands covered by the lease are in whole or in part lands located, selected, entered, purchased, or patented with a reservation to the United States of the oil and gas contained therein. The existence of such bond shall be no bar to the institution of a suit for the enforcement of the terms of the lease or for its cancellation for the violation of the terms thereof or of the provisions of this act, and a judgment of forfeiture of the lease shall be no bar to the enforcement by legal proceedings of the bond given in behalf of the lease."

"That a license or lease may be terminated at any time on the application of the licensee or lessee and the payment of all rents and royalties which may be due, but no lease shall be terminated until the Secretary of the Interior shall have had an opportunity to have an examination made into the condition of the property and such reasonable provision shall have been made to prevent the waste or loss of oil or gas through the wells which have been drilled by the lessees as he may require. Upon the cancellation of the lease or its expiration, or upon the forfeiture thereof and the satisfaction of any judgment rendered in the decree of forfeiture and the payment of all rents and royalties due, the retiring lessee may, under the supervision of the Secretary of the Interior, remove or dispose of all the machinery, buildings, or structures upon the leased premises: *Provided*, That the lessee shall have made such reasonable provision as the said Secretary may require to prevent the waste of oil or gas by reason of the wells that have been drilled by the lessee."

Mr. MONDELL. Mr. Chairman, the amendment which I have offered for the section under consideration contains certain conditions which I admit the Secretary of the Interior might require in a lease without specific provision of law, but I believe that in passing legislation of this kind Congress should outline clearly what is to be required of the lessee—at least lay down general rules under which the Secretary is to operate and by which he shall be guided.

My amendment does not contain the first two or three lines of the section—"That no lease issued under the authority of this act shall be assigned or sublet, except with the consent of the Secretary of the Interior." I do not clearly understand what is intended by that provision. There are certain conditions in this bill limiting to ownerships and interests. Whether or not this language following those conditions is intended to give the Secretary of the Interior authority to waive any or all of them I do not know, but I should say that it might be subject to the interpretation that while in a former portion of the

bill we say that no one person shall be interested in more than one lease, under this provision he might become interested in a dozen or twenty or forty, if a kind-hearted Secretary sees fit to give him permission so to do. Therefore, not clearly understanding what was intended, I have left that provision out of my amendment.

I do, however, insert in my amendment a very much needed provision with regard to continuous operations. There is not in the bill any clear provision as to what the operator must do and what the Secretary may require him to do in the matter of continuous operations. There is nothing in the bill which strengthens the present laws to prevent the establishment of monopoly. There is nothing in the bill which makes it obligatory upon the lessee to deal fairly with the people that may desire to purchase this product. Of course, the general laws governing other business operations will govern in this case. But when we are making a lease and have authority to make it a condition of that lease that the lessee shall not monopolize in whole or in part the trades in his product, that he shall not discriminate as between persons and places, that he shall not give drawbacks, that he shall treat all comers fairly, I think we ought to do it. We ought to strengthen the common law, and we ought to strengthen the antitrust statutes in that respect. The bill does nothing of the sort. As I have heard our conservation friends discuss measures of this kind in the past, I have understood that, in their opinion, the prime object in leasing legislation was to increase the control of the public over the operation. We do not increase the control of the public over these operations in the important regards to which I have referred in any way, shape, or form in the legislation which has been presented. It is in that respect anything but progressive. It might be termed reactionary. At any rate, it is essentially standpat.

I also have in my amendment a provision under which the Government may secure these products for the use of the Army and Navy, and thus do away with the necessity or the excuse for the Government going into the oil or coal producing business by giving the Government the first call in peace as well as in war on the products of these properties.

The Secretary of War or the Secretary of the Navy could call for a certain part of this product. If the owner objected to the price named, a suit could be instituted, and there would be opportunity to judicially determine what was a fair price for the product at that place, under the conditions of delivery that existed in the case in hand. There is nothing in this bill directly protecting those who have taken a limited title to lands which may be covered by a lease.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

Mr. FERRIS. Reserving the right to object, I ask unanimous consent that at the expiration of four minutes debate on this paragraph and amendment close.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that debate on this amendment and paragraph close in four minutes. Is there objection? [After a pause.] The Chair hears none. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, it is barely possible that the legislation to which I have referred, the acts of June 22, 1910, I think it is, and of August 17, 1914, may in themselves fully protect entrymen under these acts. But it seemed to me that it would be well to have a provision in this bill under which the Secretary would be compelled to call on the lessees of said lands, to put up a bond for the protection of the owners of the land. The latter part of my amendment provides for the termination of licenses or leases.

I think gentlemen will find that they will not get very far with a leasing system under the provision which has been adopted relative to the cancellation and termination of leases. No wise man will bind himself to pay a large surface rent running for 20 years, with no opportunity to terminate the lease, when conditions may arise, and are likely to, under which within a year or two or three or four after the lease is made it becomes utterly impossible for him to continue to carry on operations except at a loss. Conditions of that sort are likely to arise, owing to the loss of markets, the development of conditions, if it be a coal mine, under which the mine can no longer be advantageously operated. No one will desire to forfeit and close out a lease if it pays to operate. If it does not pay to operate, Uncle Sam can not compel anyone to operate any more than one individual could compel another to operate, and he

should not try to. We are not exercising very much wisdom when we legislate upon the theory that we can trap a man into carrying on a business that does not pay, and that he can not make pay, no matter how well and wisely he may conduct his business.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 26 That any lease issued under the provisions of this act may be forfeited and canceled by an appropriate proceeding in a court of competent jurisdiction whenever the lessee fails to comply with any of the provisions of this act, of the lease, or of the general regulations promulgated under this act and in force at the date of the lease; and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add to the end of section 26, on page 20, the following:

"That a license or lease may be terminated at any time on the application of the licensee or lessee and the payment of all rents and royalties which may be due, but no lease shall be terminated until the Secretary of the Interior shall have had an opportunity to have an examination made into the condition of the property, and such reasonable provision shall have been made to prevent the waste or loss of oil or gas through the wells which have been drilled by the lessees as he may require. Upon the cancellation of the lease or its expiration, or upon the forfeiture thereof and the satisfaction of any judgment rendered in the decree of forfeiture and the payment of all rents and royalties due, the retiring lessee may, under the supervision of the Secretary of the Interior, remove or dispose of all the machinery, buildings, or structures upon the leased premises: *Provided*, That the lessee shall have made such reasonable provision as the said Secretary may require to prevent the waste of oil or gas by reason of the wells that have been drilled by the lessee."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MONDELL. Mr. Chairman, just a moment. This is a part of the amendment I offered a moment ago. It is intended to complete section 26. That section as it appears in the bill is the part of the bill which provides the method whereby the Secretary of the Interior may forfeit or cancel a lease. And the amendment which I have offered provides the conditions under which the lessee may relinquish and surrender his lease.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. FRENCH. Mr. Chairman, I now renew the request for unanimous consent that I made the other day to consider a separate section on page 9 that would probably very properly and appropriately bear the number "Section 13." We discussed it briefly on that day, but in view of some misunderstanding it was withdrawn by myself.

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] asks unanimous consent to return to page 9 of the bill to consider an amendment now offered in that connection. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, add a new section, as follows, to be known as "Section 13": "SEC. 13. That where public lands containing deposits of phosphate rock have heretofore been located in good faith under the placer-mining laws of the United States and upon which assessment work has been annually performed, such locations shall be valid and may be perfected under the provisions of said placer-mining laws, and patents whether heretofore or hereafter issued thereon shall give title to and possession of such deposits: *Provided*, That this act shall not apply to any locations made subsequent to the withdrawal of such lands from location, nor shall it apply to lands included in an adverse or conflicting lode location unless such adverse or conflicting location is abandoned."

Mr. FERRIS. Will the gentleman yield for just a minute?

Mr. FRENCH. I will be glad to do so.

Mr. FERRIS. The amendment offered is just as the committee reported the bill, is it not?

Mr. FRENCH. It is in the same language as reported from the committee; yes.

Mr. FERRIS. And as the department reported upon it?

Mr. FRENCH. It includes the amendment that the department reported.

Mr. FERRIS. It is as the department desires to have it?

Mr. FRENCH. Yes.

Mr. FERRIS. And only applies to 57 claims?

Mr. FRENCH. Fifty-seven claims pending and four or five where patents have been issued.

Mr. FERRIS. They can only proceed where procedure for patent took place, and only when they were proceeding regularly under the law in full force and effect at that time?

Mr. MANN. Under the construction of the law.

Mr. FRENCH. I perhaps ought to say it is a general law. It does not specify any number of claims.

Mr. FERRIS. As I understand, that is all that comes under it.

Mr. STAFFORD. When this amendment was under consideration last there was some difference as to the extent of area that it would apply to, and has the gentleman been able to ascertain positively the land that would be involved in this amendment?

Mr. FRENCH. I inadvertently made a statement myself of the area involved, and even while I was on the floor and my attention called to it, I saw that my statement was erroneous. Assuming each claim to be the maximum, there would be only 9,100 acres included in those pending and only 800 acres in those that are patented. Now, the department advises me through the Commissioner of the General Land Office that in those cases that are pending, where entries have been made, it can not from data here determine the number of acres in the entries. Manifestly such would be the case unless proof had been offered. But in any case it could not be in excess of 160 acres per entry.

The CHAIRMAN. The Chair would suggest to the gentleman from Idaho that the numbering of this section as "13" would cause the renumbering of other sections.

Mr. MANN. As a matter of fact, without any order of the House, it is the duty of the engrossing clerk to properly number the sections.

The CHAIRMAN. The Chair thinks that is true, and, of course, it would be unnecessary.

Mr. FRENCH. I would then ask in connection with it that all the numbers be advanced where following this section, if the section be adopted as "section 13."

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] asks unanimous consent that the numbers of the sections following this section be advanced one in the bill if his amendment be adopted.

Mr. FERRIS. I think that ought to be done, but at the end of the bill we might put in another section.

The CHAIRMAN. Why not number this section "12a"?

Mr. MANN. Why not ask unanimous consent that the sections be correctly numbered? That will be done, anyhow, by the engrossing clerk.

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] asks unanimous consent that the sections be correctly numbered. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I think before this amendment is adopted there should be a brief statement of the situation necessitating this legislation. Some of the limestone deposits of the western country contain phosphate salts in quantity to make them valuable as a fertilizer. Those deposits, like all limestone deposits, were laid down at the bottom of lakes or other bodies of water. In the course of time the territory covered by these deposits was disturbed; sometimes the uplift was rather sharp. The first phosphate deposits which were located under the mining laws were deposits that had not been greatly disturbed, but the territory had been eroded and cut by canyons, exposing the limestone on the edge of the canyons, but practically or approximately level.

The natural, proper, and only location for that sort of a deposit is under the placer law, and so the first of these locations were all made under the placer law and patented. But later some deposits were found where there had been a very sharp uplift, where there had been a break in the limestone and a very sharp uplift, and in addition to a placer location a lode location was made on the upturned edge of the deposit and a controversy arose between the rival claimants. The United States district court decided that in that particular case the deposit was a lode. It was, indeed, a lode, in the sense that it stood, as most lode claims stand, nearly perpendicular, but if the learned judge could have followed that deposit down a certain distance he would have found that it spread out flat lower down. In another case a Federal court held that the lands in that particular case were properly located as a lode, and thereafter the department hesitated about patenting these lands as placers.

Now, as a matter of fact, it is very much in the public interest—and this is what I want to emphasize—to have these claims patented as placers rather than as lodes, for this reason: The Secretary's office, as I understand, agreed to allow these people to relocate under the lode law. It would not be in the public interest to have them do that, for this reason, that under the placer act they secure title to nothing except the territory within the perpendicular boundaries of their claims,

while under the lode law through the extralateral rights under that law they can follow the deposit as far as it runs, and some of these deposits extend down into these slopes, across the valley, and away nobody knows how far. It follows that if these claims were to be patented under the lode law, with the extralateral right, they may grant a right to several hundred acres of deposit in one claim, whereas by patenting them under this law title is secured only to the land within the perpendicular boundaries of their claim.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Idaho [Mr. FRENCH].

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming offers the following amendment, which the Clerk will report.

Mr. FERRIS. To what section?

Mr. STAFFORD. To section 26.

The Clerk read as follows:

Page 20, line 18, after the word "jurisdiction," insert the words "at the instance of any party in interest."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MONDELL. Mr. Chairman, I asked one of the best lawyers on this side of the House a few moments ago what his view was, with regard to this section, as to the authority to bring proceedings under it, and his answer was that he thought that no one but the Department of Justice or the United States attorney could bring proceedings for the forfeiture or cancellation of an entry.

In my opinion, any party in interest ought to have the right to do that. I will not insist that the language that I have offered is just the sort of an amendment that ought to be adopted, but it is very clear to me that if the public is to be protected and operations under the leases are to be at all times in accordance with their provisions, we must have some provision other than the possible activity of the officials representing the Department of Justice. In other words, anyone having an interest who was in any way seriously aggrieved by the acts of the lessee ought to have an opportunity to begin a proceeding which would raise the question as to whether the lessee was complying with the provisions of his lease or not.

I realize that an amendment of this kind is not as essential in this bill as it would have been if the amendments prohibiting monopoly, the amendments prohibiting unfair treatment of consumers, and the amendments for the protection of the purchaser and the public generally, which I offered, had been adopted. In that case it certainly would have been necessary to have given any party in interest the right to institute a suit in order to determine whether or not those provisions of the lease had been violated. But while the bill as it stands lacks many of the provisions that will or should be contained in the lease, every member of the committee must realize that these leases should contain prohibitions the violation of which would work great harm and injury to individuals or the public, and there ought to be an opportunity on the part of people who may be injured or injuriously affected to bring suit for the purpose of testing the question as to whether the parties had lived up to the provisions of the lease.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 27. That all statements, representations, or reports required by the Secretary of the Interior under this act shall be upon oath, unless otherwise specified, and in such form and upon such blanks as the Secretary of the Interior may require, and any person making any false statement, representation, or report, under oath, shall be subject to punishment as for perjury.

Mr. MANN. Mr. Chairman, in order to get it before the committee, I move to strike out the language beginning on page 21, line 5, "and any person making any false statement, representation, or report, under oath, shall be subject to punishment as for perjury."

The CHAIRMAN (Mr. FITZGERALD). The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 5, strike out the following language: "and any person making any false statement, representation, or report, under oath, shall be subject to punishment as for perjury."

Mr. MANN. Mr. Chairman, the bill makes it obligatory that all these statements, representations, or reports shall be upon oath, and the language of the criminal code is:

Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States

authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than \$2,000, and by imprisonment at hard labor not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed.

That seems to cover what is provided for in this bill.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield at that point?

Mr. MANN. Yes; I yield.

Mr. STEPHENS of Texas. It seems that this first part of section 27 applies to statements, representations, or reports required of the Secretary of the Interior, and provides that they shall be made upon oath. Now, as I understand, the section of the criminal law that the gentleman has just read specifies how these statements and reports are to be made. Does the gentleman think the same law applies when the statements, reports, and representations are required by the Secretary under the rules and regulations he prescribes?

Mr. MANN. There is no question of rules and regulations about it at all. This provision of the bill is that all statements, representations, or reports required by the Secretary shall be upon oath. That is a requirement of law—that they shall be upon oath.

Mr. STEPHENS of Texas. But if the gentleman will remember, the requirements under this bill are for the rules and regulations, and he requires the oath.

Mr. MANN. The provision of this bill is that these statements shall be under oath, and the law in reference to perjury says that whenever anything of the sort is required to be under oath if a man falsely testifies in a material matter, and does it willfully, he shall be guilty of perjury. Of course if this is to stand, I think the word "as" ought to go out, so that it will read "subject to punishment for perjury" and not "subject to punishment as for perjury." But there is some distinction. Of course this bill attempts to make any false statement under oath perjury, although it might not be material and although the man who made it might think it was true. But the law in reference to perjury covers these statements clearly, because in making up the form the Secretary requires a certificate that the statements are true, and that is to be under oath.

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. Yes.

Mr. FERRIS. If it is the thought of the gentleman to give the Secretary power to require a written report under oath, that is as far as we ought to go, and then let the general law step in when it ought to.

Mr. MANN. This law says the statement shall be under oath. The law provides that when an oath is made in pursuance of the law, the man who falsely makes oath to a material matter shall be guilty of perjury. It covers the matter precisely, so that there is no new definition of perjury.

Mr. FERRIS. I confess that the gentleman is right. The gentleman from New York [Mr. PAYNE] made a similar complaint about the same provision in the Alaska bill.

Mr. MANN. I do not remember about that.

Mr. FERRIS. And I promised him that I would go down to the Department of Justice and see what they thought ought to be done; but I have not had time to do that, and I am perfectly willing to accept the amendment suggested by the gentleman from Illinois, and strike out that clause, so that all the legislation will do will be to require a written report under oath; then, if a man falsifies, let the general statute cover it.

Mr. MANN. Then, the perjury section will cover his case.

Mr. FERRIS. As in other cases.

Mr. MANN. As in other cases.

Mr. FERRIS. I think the gentleman is right about it.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. MANN].

The amendment was agreed to.

The Clerk read as follows:

SEC. 28. That any of the public lands of the United States withdrawn, covered by permits, or leased as coal, phosphate, oil, gas, potassium, or sodium lands, or valuable for any of said deposits, except as provided in section 2 hereof, shall be subject to appropriate entry under the homestead laws or under the desert-land law, and shall be subject to selections by the State wherein the lands are situated under grants made by Congress and under section 4 of the act approved August 18, 1894, known as the Carey Act, and acts amendatory thereof and supplemental thereto, and subject to withdrawal under the act approved June 17, 1902, known as the reclamation act, and acts amendatory thereof and supplemental thereto, whenever such entry, selection, or withdrawal shall be made with a view of obtaining or acquiring title, with a reservation to the United States of the coal, phosphate, oil, gas, potassium, and sodium in such lands, and the right of the United States, its permittees, lessees, or grantees to prospect for, mine, and remove the same, together with the right to use so much

of the surface as may be reasonably necessary for the conduct of mining operations upon rendering compensation therefor as provided in this act, and for all damage caused to crops and tangible improvements: *Provided*, That all applications or selections made under the provisions of this section shall state that the same are made in accordance with and subject to the provisions and reservations of this act: *Provided further*, That upon satisfactory proof of full compliance with the provisions of the laws under which the entry or selection is made and of this section, the entryman or selector shall be entitled to a patent to the land entered or selected, which patent shall contain a reservation to the United States of all the coal, phosphate, oil, gas, potassium, or sodium in the lands so patented, together with the right of the United States, its grantees, permittees, or lessees, to prospect for, mine, and remove the same upon rendering compensation to the patentee for all damages that may be caused to the crops or tangible improvements of the entryman, selector, or owner by prospecting for or removing said minerals.

Mr. MONDELL. Mr. Chairman, I move to strike out section 28.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 21, line 8, strike out all of section 28, down to and including line 21 on page 22.

Mr. MONDELL. Mr. Chairman, I make this motion in order to avoid confusion. This section is in the main a repetition of the provisions of the act of June 22, 1910, an act for the agricultural entry of coal lands; the act of April 30, 1912, amendatory thereof, and the act of July 17, 1914, which applies the same procedure as the acts above referred to to the agricultural entry of gas, oil, phosphate, and potash. It does not in all respects follow exactly the language of those acts, so that I imagine confusion would arise.

The gentleman will recall that the act of June 22, 1910, was the act which made the first provision of this sort with regard to coal lands; that the act of April 30, 1912, was the act which extended the coal act to certain other classes of entries; that the act of July 17, 1914, a very recent act, was the one that applied the same form of law to oil, gas, phosphates, nitrates, potash, and asphaltic minerals. In other words, these three laws cover nearly everything that is covered in section 28; and so far as section 28 would have any effect at all, it would be in those respects in which its provisions are not essentially those of the bills in question. It may be the provisions of this section are intended to be the same, in the main, in effect as the laws I have referred to; but, as a matter of fact, they do not follow the language of those acts exactly, and I fear that it does not so well protect the entryman; in fact, I am confident they do not. Those bills were carefully drawn, and I think it would be a mistake to modify their provisions; and if we do not intend to do that, there is no reason for legislating on the subject.

Now, one thing more. This section does contain one provision that is new and which is to a certain extent at least in conflict with a former section of the bill. That former section allows the Secretary of the Interior to reserve certain portions of the surface of leased lands as may not be needed by the lessee, but limits his right to do so prior to the execution of the lease. Under this section a lessee might have all his leasehold entered at any time his entire plant might be homesteaded or entered under any one of half a dozen laws. No one would take a lease under such conditions.

Mr. LENROOT. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. I ask for information. I do not recollect whether the laws the gentleman refers to cover all withdrawn lands or only the lands when they are classified.

Mr. MONDELL. They cover them all, just as this does. This does not include anything that those laws do not include, except this would allow the entry of the leased lands. Other than for that feature of it my objection to it is that it is a repetition of those statutes to which I have referred in a slightly different phraseology, and I think is not so fair to the entryman. This section was adopted by the committee before the passage of the act of July 17, 1914. That is the act which extended the old coal provisions to phosphate, gas, and asphaltum. At the time the committee put this in the bill it was necessary because the only law we had on the subject was the law relating to coal lands. Since that time we have passed a bill which covers the whole subject in addition to coal. There is, however, some little difference in the language used, and a difference that I think might lead to confusion. Query, How far would this act modify those other acts? Does it leave the provisions of those acts protective to the entryman still in force? I think there would be a question about it, and as the whole subject, except as to the leased lands, is covered by the other acts, as it was not at the time you adopted this section, it seems to me it would not be wise to adopt another law on the subject, a law not so complete or satisfactory. As to the leased lands, it will

not do to leave them open to all these classes of entry. The lessee would not be safe or secure for a day.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming [Mr. MONDELL].

Mr. MANN. Mr. Chairman, I want to be heard for a moment upon that.

Mr. UNDERWOOD. Mr. Chairman, is the gentleman willing that the committee rise for a moment?

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16136) to provide for exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, and had come to no resolution thereon.

BILL TO INCREASE THE INTERNAL REVENUE.

Mr. UNDERWOOD, chairman of the Committee on Ways and Means, by direction of that committee, reported the bill (H. R. 18891) to increase the internal revenue, and for other purposes, which, with accompanying papers, was referred to the Committee of the Whole House on the state of the Union and ordered printed. (H. Rept. 1163.)

Mr. UNDERWOOD. Mr. Speaker, I desire to let the House know that I expect to take the bill up for consideration next Thursday morning.

Mr. MANN. Will the gentleman yield for a question?

Mr. UNDERWOOD. I will.

Mr. MANN. Does the gentleman expect to press the bill to passage on Thursday?

Mr. UNDERWOOD. The gentleman from New York [Mr. PAYNE] made a suggestion this morning about the length of debate. If I can enter into an agreement with him on that subject, I might not; otherwise I expect to press the bill to final conclusion on Thursday, if I can do so.

Mr. PAYNE. I will say frankly to the gentleman from Alabama that I am satisfied that we can not come to any agreement as to debate.

Mr. MANN. We can not come to any agreement that will cut out the right of amendment.

Mr. UNDERWOOD. Mr. Speaker, this being an emergency bill, and the revenue being needed by the Government at once, I feel that we should put it through without delay, and I will say to the House that, so far as I am able, I shall endeavor to get a final vote on Thursday at some time.

Mr. PAYNE. And we feel as if there was no emergency, and there is no reason why this bill should not be discussed and both sides of the House enlightened by debate. We would like to have as much debate as we did when we passed a real emergency bill during the Spanish War in 1898, when we had two days' general debate and another day for amendment. That was by mutual agreement.

Mr. Speaker, I ask leave to file the views of the minority, which I will do at once, so that they can be printed with the majority report.

The SPEAKER. The gentleman from New York asks leave to file the views of the minority on this bill. Is there objection?

There was no objection.

EXPLORATION FOR COAL, ETC.

Mr. FERRIS. Mr. Speaker, I ask for the regular order under the special rule.

The SPEAKER. The regular order is for the House automatically to resolve itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, with Mr. FITZGERALD in the chair.

Mr. MANN. Mr. Chairman, I would like the attention of the members of the committee in regard to section 28. A while ago I asked who would have control of the surface of the ground where one of these leases was made. It was stated that the Secretary might lease the surface of the ground within his discretion, and that if he leased the surface of the ground the lessor would have the right to make use of that surface of the ground.

Now, section 28 does not give him that right at all. If the lessor has a lease of 640 acres with the right to make use of the surface of the ground, section 28 comes along and permits anyone to take that right away from him. He may have a

lease of the ground, he may be using it for other purposes than a mining operation, but under this section it permits anybody who has a homestead right to make a homestead entry upon the ground and take away from the lessor all of the surface rights except what is necessary for the conduct of the mining operation.

Now, plainly, I should say that it was not desirable in anybody's opinion to have an apparent conflict about that. I was going to ask whether it would be advisable to strike out of this provision in reference to homestead entry the words "or leased as coal, phosphate, oil, gas, potassium, or sodium lands." So that if the lands had been leased, that while the lease stands they shall not be subject to homestead entry or desert-land entry. That would give the right for a homesteader to take lands that have been withdrawn, or even upon which a permit has been granted or which are valuable for deposits, but it would not give the right to the homestead entryman to take away from the lessor land that he had leased and of which he was making use.

Mr. MONDELL. Will the gentleman yield?

Mr. MANN. Yes.

Mr. MONDELL. I did not in the brief time I had in discussing my amendment refer to this feature of the section to which the gentleman from Illinois has referred. The words "covered by permit or leased as coal," and so forth, clearly that provision is contradictory, as the gentleman from Illinois has called attention, to the provision in section 23. The balance of the section is a repetition of law now on the statute books, so that both features of the section ought to go out.

Mr. LENROOT. Will the gentleman from Illinois yield?

Mr. MANN. I yield to the gentleman from Wisconsin.

Mr. LENROOT. In reference to the gentleman's suggestion that none of the leased lands are subject to entry, that would be in conflict with section 24.

Mr. MANN. What section does the gentleman have reference to?

Mr. LENROOT. Section 24.

Mr. MANN. That gives the Secretary the right to reserve the surface. In that case he only leases practically the deposits.

Mr. LENROOT. The right to the soil or otherwise to dispose of that under existing law, or laws hereafter enacted.

Mr. MONDELL. That is all before the leasing.

Mr. LENROOT. I understand; but the gentleman from Illinois says—

Mr. MANN. The Secretary may lease the deposits or he may lease the lands. If he leases the lands, it seems to me somebody ought not to be able to come in and take the lands away from him right away.

Mr. LENROOT. I agree with the gentleman.

Mr. MANN. I thought possibly if we struck out the words "leased as coal," which refers to the public lands leased as coal and would not refer to the deposits which may be leased, the matter might be remedied. I am not sure that it would cover the case where the Secretary had reserved the surface rights.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. Mr. Chairman, under the law at the present time these forest reserves can all be leased for grazing purposes, and many of them are leased for grazing purposes, and those leases run for a specific term. Under section 28 of the bill could they take that land leased under that law away from the man who has leased it?

Mr. MANN. They could not take it away from him under section 28, but they could take it away from him under the terms of this bill if they found coal or any of these other mineral deposits on the ground; but I assume that would not be done, because those leases are for a short period of time, usually for a year, and I do not think there would be any practical difficulty there. But there would be about this.

Mr. KEATING. Mr. Chairman, will the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. KEATING. Mr. Chairman, I have had some little experience on these lands that might shed some light on the subject. The State of Colorado leases coal lands under practically the terms set forth in the bill. In leasing coal lands the State reserves the right to lease or sell the surface, with the exception of so much as may be needed by the operator to conduct his mining operations. We have found that that law has operated to our full satisfaction. We lease to the coal man the coal and so much of the surface as may be needed for his operations.

Mr. MANN. That is perfectly satisfactory; but here is a provision in this bill which authorizes the Secretary to lease—in fact, requires him to lease under certain cases—640 acres of

the land, including the surface, reserving certain rights over the surface; but he leases the entire land, as suggested a while ago; at least that is the understanding. I myself am not sure about it, but that is what the gentlemen of the committee stated, and that is what the bill seems to carry out. If you do lease a man the surface, you do not want to turn around a few minutes later and give somebody the right to take it away from him.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FERRIS. Mr. Chairman, I think it would be worth while to let the committee have the benefit of the justification for section 28 from the Bureau of Mines and the Department of the Interior. Of course, this section has to do with the surface entries and the preservation of the surface lands so that they may be utilized for their highest purpose and that the mineral deposits, whether coal, oil, gas, or phosphate, may be utilized for their highest purpose. The Interior Department, in support of section 28, says:

Section 28 provides appropriate disposition of the agricultural surface of lands containing any of the minerals named, reserving to the United States the minerals and the right of the United States, its permittees or lessees, to prospect for, mine, or remove minerals therefrom. It is not believed that any of these provisions will frighten away or preclude the honest miner from taking a lease and extracting the minerals from the land. The provisions are liberal and the restrictions only such as are believed to be in the interest of the general public. The rights of a lessee who complies with the law are not restricted, and they are so safeguarded that he can not arbitrarily be deprived of them. Many of these provisions are found in the laws of the Eastern States which have within their borders coal mines or oil wells, and in the laws of Canada and Australia. Details as to these laws will doubtless be furnished by the Geological Survey, as I have not them in hand.

That is from the Interior Department. Let me present what the Bureau of Mines says in support of section 28:

This section is merely a reiteration of the policy of existing law with reference to coal and oil and gas lands, and an extension of same to cover the other minerals named. The existing law permits locations to be made of the surface of coal and oil and gas lands, with a reservation of the coal or other mineral to the United States, whereas this provision will permit the location and working of the mineral under ground with a reservation of the surface.

The surface estate has nothing in common with the mineral estate, and the two can exist in harmony without interference one with the other. This section is beneficial in that it prevents the withdrawal from use and occupation of large areas of surface ground that could be utilized advantageously without detriment to the mineral estate. It is quite common for such separate estates to be created, and no inconvenience or hardship results therefrom. The net result is to permit the fullest possible use and the development of the public domain, a feature which is manifestly in the public interest. It will not be objectionable to the lessees, since it only applies to lands which are not required for mining purposes.

Of course that does not quite answer the question raised by the gentleman from Illinois [Mr. MANN] and the gentleman from Wyoming [Mr. MONDELL], and it is their thought that we may have conflict, and if we do have, undoubtedly we ought to correct it, which the committee would be glad to do. It was our intention to have the surface and every foot of it used for the highest known purpose, and it was the committee's purpose to have the mineral deposits used for the best purpose and to keep them from conflicting with one another.

And if we have not accomplished that, and if there is any other impediment in the way of accomplishing that, I think we ought to try to reach it. The committee itself gave quite extended consideration to this section, and we had the benefit of the members of the committee who were familiar with these acts and finally to safeguard it in every way possible I sent this bill a week or 10 days ago and asked the department to go over it again and search if there were any holes, defects, complications, or conflicts that might arise. Of course the department may have had their vision clouded the same as the committee and the gentleman from Illinois may be correct about it, and if he has any amendment that he thinks will make it clearer, or if he thinks there will be a conflict, I think the committee ought to take action on that and such an amendment ought to prevail. I want to suggest to the gentleman from Illinois what I think will probably meet the trouble he anticipates. On page 21, line 9, after the word "leased," might we not incorporate these words, "or leased with proper reservation of the surface," so that we would not be in the attitude of which the gentleman speaks, of first leasing the surface of a tract to a man and then in turn taking it away from him? But surely if we lease the right to the deposits only and retain the surface in the Federal Government, surely there will be no conflict, surely there can be no hardship, surely there can be no injustice, and if the gentleman thinks that will meet the objection by incorporating those words I think it is desirable we should do so and not do something we do not intend to do.

Mr. MANN. I think that will improve it.

Mr. LENROOT. Mr. Chairman, I would like to call the attention of the chairman of the committee to some other considera-

tions in reference to the language of this section which have not occurred to me before. Now, the language as it stands covers all withdrawn lands regardless of the purpose for which they were withdrawn. It makes them all subject to entry. Now, the laws to which the gentleman from Wyoming has referred cover only lands withdrawn or classified.

Mr. FERRIS. What other lands might there be?

Mr. LENROOT. They might be withdrawn for other purposes.

Mr. FERRIS. If they are valuable for these minerals.

Mr. LENROOT. I think the laws the gentleman spoke of cover the situation fully; but I think this language goes further than the laws to which he referred, and this not only applies to homestead entry, but any State is entitled to make selection of any of these withdrawn lands. Under the law as it stands, a State could go in a forest reserve and make selection of any land to which they are entitled under acts of Congress. They could go into a national monument and make selection there of lands to which they are entitled under acts of Congress. Any kind of entry can be made on a forest reservation, it seems to me, under the language of this section, and it does seem to me with the provision in section 24, giving the Secretary of the Interior the right to make a reservation of the surface, coupled with it as it is in section 24, that they shall be subject to disposition under existing laws or laws hereinafter enacted. I really fail to see the necessity for this section at all.

Mr. MANN. Will the gentleman yield for a question?

Mr. LENROOT. Yes.

Mr. MANN. Suppose, under this bill—and I would like to call the attention of the gentleman from Oklahoma to this—suppose, under this bill, a man gets 640 acres of land in one forest reserve where he finds coal or oil and where the timber is of the highest quality. That might happen under the bill. Then under this section would not anybody be entitled to make a homestead entry?

Mr. LENROOT. That is exactly the point I am making.

Mr. JOHNSON of Washington. That is the point I was trying to make a few moments ago.

Mr. MANN. I very much think so.

Mr. JOHNSON of Washington. Except in one place it reserves to the Government the timber. That is in one section of the bill.

Mr. MONDELL. That is only in the case of the lease as proposed in that particular case.

Mr. MANN. We reserve the timber against the lessee.

Mr. JOHNSON of Washington. As it is now in that country no homesteader can find out whether he could get a patent or not. First, a man is held up by the question of the possible discovery of minerals, next he is held up in regard to the possible timber on it, and next in regard to the possible water power until he and his children are absolutely starving to death.

Mr. LENROOT. I would like to call attention in reference to the three laws to which the gentleman from Wyoming has referred that they are not nearly so broad in their scope as this section because in those laws in each instance entry is permitted only if the land is otherwise available. That is, they will be subject to entry if they would otherwise be subject to entry, while under the language of this section it seems to me that all lands withdrawn will be subject to every kind of entry and all lands covered by its terms will be subject to every kind of entry.

Mr. FERRIS. Of course, as the gentleman knows, forest reserves are now subject to homestead entry and are now subject to the mineral laws under the existing law.

Mr. LENROOT. That is true but not all timber lands. It is only those particularly valuable for agricultural purposes.

Mr. FERRIS. Let me ask the gentleman if he has gone far enough so he will be able to say what hardship would be entailed by striking this section out?

Mr. LENROOT. Let me read the proviso, which is to this effect:

That said Secretary, in his discretion, in making any lease under this act shall reserve to the United States—

Mr. FERRIS. Where is the gentleman reading from?

Mr. LENROOT. Page 19.

Shall reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the land embraced within such lease under existing law or laws hereafter enacted.

Then, it seems to me, that with the laws that the gentleman from Wyoming has referred to, unless the surface is leased they would be subject to disposition, and, if that is true, I fail to see the necessity for this section.

Mr. FERRIS. If the committee has any fears that there is anything wrong with the section, I prefer to have it go out, and then we can deal with the surface matter later. I under-

stand that the gentleman from Wyoming [Mr. MONDELL] moves to strike out the section.

Mr. MONDELL. If the gentleman has no objection, I do not want to discuss it further.

Mr. FERRIS. I think it ought to go out. There seems to be some doubt as to what we could accomplish by section 28. Under the bill as it stands we are not left helpless, and what surface lands are necessary to utilize can be utilized, and if we do not accomplish all that is necessary with this section out, we can again put our hands to the plow and correct it. I therefore ask that the gentleman's amendment be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The amendment was agreed to.

The Clerk read as follows:

SEC. 30. That all moneys received from royalties and rentals under the provisions of this act, excepting those from Alaska, shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902, known as the reclamation act, but after use thereof in the construction of reclamation works and upon return to the reclamation fund of any such moneys in the manner provided by the reclamation act and acts amendatory thereof and supplemental thereto, 50 per cent of the amounts derived from such royalties and rentals so utilized in and returned to the reclamation fund shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State for the support of public schools or other educational institutions or for the construction of public improvements, as the legislature of the State may direct.

Mr. STEPHENS of Texas. Mr. Chairman, I have an amendment.

Mr. LENROOT. Mr. Chairman—

Mr. MANN. Mr. Chairman, I offer an amendment to strike out the section and insert a substitute.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MANN as substitute for section 30:

"That all moneys received from royalties and rentals under the provisions of this act, except those from Alaska, shall be deposited in the Treasury as a special fund, to be known as the 'National good-roads fund,' which fund shall be applied as Congress may from time to time direct, by appropriation or otherwise, for the building of good roads."

Mr. FERRIS. Mr. Chairman, I reserve a point of order on that.

Mr. MANN. The gentleman from Wisconsin [Mr. LENROOT] desires to offer a preferential motion, but he can not do it while a point of order is reserved. The gentleman ought to fish or cut bait.

Mr. FERRIS. I make the point of order it is not germane. It is a good-roads scheme, and is not compatible with this bill.

Mr. MANN. It simply relates to the disposition of the funds derived from the royalties and rentals.

Mr. LENROOT. I would like to be heard if there is any doubt as to this ruling. Section 30, relating to the proceeds of this land, provides they shall go into the reclamation fund. It does not seem to me that there can be any question but we have a right to make such disposition of these proceeds as the committee may direct. This is not an appropriation bill. It is not subject to the point that it is new legislation. We have an absolute right to deal with the moneys. The moneys are one of the subjects matter of this bill, and it seems to me entirely clear that we have a right to make such disposition of them as we choose. In fact, I do not see how the gentleman, on his theory of the point of order, can make any justification for their going into the reclamation fund. I am not in favor of the amendment, so I am not speaking for that. It does not provide or attempt to legislate with reference to the building of good roads, but it says that these proceeds shall go into a fund to be known as the "good-roads fund," to be disposed of as Congress may thereafter direct, and Congress may thereafter take them out of the good-roads fund and do anything else with the moneys it chooses to do. The effect of it only is, in fact, to take them out of the reclamation fund and put them into the Treasury of the United States. It certainly is competent for the House to do that.

Mr. MONDELL. Mr. Chairman, I think the gentleman from Wisconsin is correct in his argument up to a certain point. It is true that we can legislate with regard to the disposition of these funds, provided we do not in so doing legislate on a subject entirely foreign to this bill. This bill provides for the leasing of public lands. We can provide that the proceeds of the public lands shall go into the Treasury, or we can provide that the proceeds shall go into a fund which has been created heretofore from the proceeds of the disposition of public lands, and is now existent, and being used for a certain specific purpose heretofore provided for. We can not when we reach this section of this bill depart entirely from the proposition of leasing

public lands and enter upon legislation for the building of good roads throughout the country. The amendment necessarily involves legislation on a subject entirely foreign to the provisions of the bill, to wit, the creation of a new fund to be used for a purpose not now contemplated by law and not in any way connected with the provisions of this legislation.

The CHAIRMAN. The Chair is prepared to rule. A few days since, while this bill was under consideration, notice was given that amendments would be offered to this section to provide for the disposition of the receipts from various leases authorized in the bill, in a manner different from that provided in the bill. As a result of the intimation then given, the Chair has given considerable attention to the questions that might arise under this section.

The rule of the House—Rule XVI, paragraph 7—is that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. That is the rule which generally is mentioned as requiring amendments to be germane to a bill or to the particular part of the bill to which an amendment is offered. Under general parliamentary law amendments need not be germane. Mr. Jefferson states in section 460 in his Manual that—

Amendments may be made so as totally to alter the nature of the proposition; and it is a way of getting rid of a proposition by making it bear a sense different from what it was intended by the movers, so that they vote against it themselves.

In a decision by Mr. Carlisle in 1880 the history of the adoption of the rule by the House requiring amendments to be germane is set forth in great detail. Ever since 1822 the rule in the House has been as it is at present. Mr. Carlisle in his decision, which is found in volume 5, section 5825, of Hinds' Precedents, said:

When therefore it is objected that a proposed amendment is not in order because it is not germane, the meaning of the objection is simply that it (the proposed amendment) is a motion or proposition on a subject different from that under consideration. This is the test of admissibility prescribed by the express language of the rule; and if the Chair, upon an examination of the bill under consideration and the proposed amendment, shall be of the opinion that they do not relate to the same subject, he is bound to sustain the objection and exclude the amendment, subject, of course, to the revisory power of the Committee of the Whole on appeal.

It is not always easy to determine whether or not a proposed amendment relates to a subject different from that under consideration, within the meaning of the rule, and it is especially difficult to do so when, as in the present instance, the amendment may, by reason of the terms it employs, appear to have a remote relation to the original subject.

That an amendment be germane means that it must be akin to, or relevant to, the subject matter of the bill. It must be an amendment that would appropriately be considered in connection with the bill. The object of the rule requiring amendments to be germane—and such a rule has been adopted in practically every legislative body in the United States—is in the interest of orderly legislation. Its purpose is to prevent hasty and ill-considered legislation, to prevent propositions being presented for the consideration of the body which might not reasonably be anticipated and for which the body might not be properly prepared.

The provision in this bill to which the amendment is offered provides:

That all moneys received from royalties and rentals under the provisions of this act, excepting those from Alaska, shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902, known as the reclamation act, but after use thereof in the construction of reclamation works and upon return to the reclamation fund of any such moneys in the manner provided by the reclamation act and acts amendatory thereof and supplemental thereto, 50 per cent of the amounts derived from such royalties and rentals so utilized in and returned to the reclamation fund shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State for the support of public schools or other educational institutions, or for the construction of public improvements, as the legislature of the State may direct.

Any amendment to a section which is relevant to the subject matter, and which may be said to be properly and logically suggested in the perfecting of the section in the carrying out of the intent of the bill, would be germane to the bill and thus in order. To determine whether an amendment is relevant and germane, while not always easy, can best be done by applying certain simple tests. If it be apparent that the amendment proposes some modification of the bill, or of any part of it, which from the declared purposes of the bill could not reasonably have been anticipated and which can not be said to be a logical sequence of the matter contained in the bill, and is not such a modification as would naturally suggest itself to the legislative body considering the bill, the amendment can not be said to be germane.

It seems to the Chair that applying these tests to the amendment of the gentleman from Illinois [Mr. MANN] to determine whether it is germane, the question to be answered is whether

the amendment is relevant, appropriate, and a natural and logical sequence to the subject matter of the bill. It is quite clear to the Chair that the amendment can not be so characterized, and that the committee could not have anticipated or reasonably expected that to a proposition that the money to be derived from the royalties of the leases, authorized to be made under this legislation, should be put in the reclamation fund, a well-established fund created for specific and definite purposes; that a proposition to create a new fund, to be known as the "national good-roads fund," could be considered as a natural, appropriate, relevant, and logical sequence to the proposal in the bill; and therefore the Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Illinois appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee? Those in favor of the decision of the Chair standing as the judgment of the committee will rise and stand until they are counted. [After counting.] Fifty-nine gentlemen have arisen in the affirmative. Those opposed will rise and stand until they are counted. [After a pause.] No one has risen. The ayes are 50 and the noes are none, and the opinion of the Chair stands as the judgment of the committee.

Mr. LENROOT. Mr. Chairman, I have an amendment which I wish to offer.

Mr. STEPHENS of Texas. I have an amendment, Mr. Chairman.

The CHAIRMAN. The Chair will recognize the gentleman from Wisconsin [Mr. LENROOT], a member of the committee.

Mr. LENROOT. I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 23, after the word "direct," in line 21, insert "Provided, That any moneys which may accrue to the United States under the provisions of the act from lands within the naval petroleum reserves shall be set aside for the needs of the Navy and deposited in the Treasury to the credit of a fund to be known as the 'Navy petroleum fund,' which fund shall be applied to the needs of the Navy as Congress may from time to time direct by appropriation or otherwise."

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] reserves a point of order on the amendment.

Mr. MANN. I make the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois makes a point of order against the amendment.

Mr. LENROOT. Mr. Chairman, I desire to call the attention of the Chair to the distinction between this amendment and the one that the Chair has just ruled upon.

The Chair stated, with reference to the other amendment, that it could not fairly be said that it was so related to the subject matter of the bill that the committee could have had in mind the possibility of such an amendment as was proposed; but now the Chair will bear in mind that these very lands include petroleum naval reserved lands, and that being so, it presents a different question entirely as to whether the proceeds of lands that come within the terms of this bill, that are not ordinary public lands, should not be treated differently from those which are; and therefore it seems to me that the Chair can well hold that, inasmuch as the committee knew that some of these proceeds would come from petroleum naval reserves, there might well be a different disposition of the money arising out of those reserves than would otherwise appear.

And, again, these petroleum naval reserves now exist. When they are leased the Government itself can not operate them. If they are leased, the Government ought to be at least in the same position, so far as the germaneness of the amendment is concerned, as if they had been expressly excepted from the bill. Being included within the bill, it is entirely proper to make such disposition of the proceeds as we choose, and the disposition proposed in the amendment, Mr. Chairman, only carries out the theory of the reserves themselves.

Mr. FERRIS. Mr. Chairman, will the Chair hear me just a moment? I take it that in determining the question of germaneness the Chair would like to have the facts fully before him. As the Chair is aware, and likewise the House, the act of June 25, 1910, was the Pickett bill, a bill which authorized the President of the United States to make withdrawals of any of the public lands for public purposes. Pursuant to that act of June 25, 1910, and the authority vested in him by the act, the President did withdraw in California two areas of land, did designate them "naval reserves" for naval purposes and oil reserves.

Now, here comes this bill, providing for the leasing not alone of the public lands but of those two naval reserves, lands that were properly segregated, lands that were properly withdrawn wholly within the authority of law, to wit, the act of June 25, 1910. Now, the authority being first vested in the President to withdraw, and then his withdrawal pursuant to that act make these two naval reserves come within the purview of this bill. Surely it would not be the disposition of the House to put the proceeds from those two withdrawn naval reserves into the reclamation fund or into any general fund, but surely they ought to be used for the purpose for which they were intended, to wit, the supplying of oil for the Navy.

I think with that in mind that would bring it within the Chair's own decision just rendered on the Mann amendment, and that the committee might well expect, because it would be a logical determination of things, to have an amendment of this sort offered, to do with the money what ought to be done with the money under the act of June 25, 1910, and the President's withdrawal. I very much hope the Chair will find that this is a case in which it is, first, germane and a proper amendment to this bill. The committee have gone over this at great length. The House has passed one bill carrying this identical provision on a temporary oil bill. As I understand, it has become a law. Am I right about that?

Mr. RAKER. Yes.

Mr. FERRIS. That law does this precise thing temporarily. Now, to do this permanently is only to complete what we have done temporarily, and I think it ought to be first held in order and later adopted. The Navy Department wants it; our committee has agreed to it.

Mr. MANN. I do not think the becoming a law of that temporary provision affects the question of order here in the House, although it might be well to recall the fact that that provision went into the temporary bill because the House was held up on a unanimous-consent proposition until it agreed to that. It was a question of no bill at all or of yielding to the holdup of the Navy Department. That is not the situation now. This bill is not before the House asking unanimous consent for its consideration, and the matter should be considered now upon its merits, or upon the point of order.

The Navy Department has no more interest in this land, set aside for naval purposes, than the people of the United States have in the rest of the land. The Navy Department has no greater interest in the oil produced on the naval reserve lands than the country has in the oil produced on the other lands; and the Navy Department is no more interested in getting oil for the Navy than we are in getting good roads for the people. The two propositions stand on all fours. If we can not divert this money from the proposed reclamation fund and constitute it a good roads fund, then we can not divert a portion of the money from the reclamation fund and constitute it a naval reserve fund. Now, for the life of me I have never been able to understand why the Navy wanted this. We make appropriations for the Navy. We appropriate millions of dollars for fuel purposes, for coal and oil for the Navy. What is the object which they have in seeking a special fund in the Treasury Department? What do they want it for? What would they do with it? It is almost an unheard-of proposition, in a bill relating to revenue for the Government, to provide that certain funds shall be created as special funds in the Treasury Department, subject to appropriation by Congress. Of course Congress has the same power over the general fund that it would have over the special fund. I did not argue the point of order at any length in reference to the amendment which I offered. I was inclined to believe that that amendment was in order, but the Chair ruled it out of order. The committee, by a unanimous vote, sustained the decision of the Chair. I confess I can not make any distinction between the two propositions.

Mr. STAFFORD. Mr. Chairman, just a word. Following the logic of the ruling of the Chair just made, I think the Chair must necessarily rule the amendment now offered out of order. There is nothing in this bill, on the face of it, that gives any intimation whatsoever that there is anything that relates to the Navy or any naval reserve fund. The public lands that this bill relates to are for the benefit of the people as a whole. Congress has a right to legislate as to their disposition as it sees fit. The committee has brought in a provision here directing the diversion of some of these funds to the Reclamation Service. It has not seen fit to apply them in any other manner. The question before the committee is whether the proposed amendment is germane to the pending section. To apply the resultant funds for naval purposes, it appears to me, would be extraneous to the provisions of the bill as reported. If you could set aside a portion of this fund for naval purposes, it would then be in order to provide for building a battleship.

Such an amendment would be acknowledged not germane to the purpose of the section. I can not see where there is any difference to the former amendment, except that the good-roads provision applied to all the fund. This is applicable to only a portion, but it is for an extraneous purpose to that suggested by the bill.

The CHAIRMAN. The Chair intended, in making his former ruling, to call attention to a decision of Mr. Speaker CLARK, made on June 23, 1914. On that occasion there was under consideration a Senate amendment in which it was proposed to provide that the proceeds of the sale of certain ships should be appropriated to build an additional battleship. To that amendment there was proposed an amendment providing that the money should be available for the construction of good roads. Mr. Speaker CLARK held that that amendment was not in order, because it was not germane.

Very frequently the difficulty in reaching a conclusion as to whether an amendment is germane arises from the fact that while the proposed amendment is somewhat similar to the subject matter of the bill, the particular predilection of Members favorable to the amendment makes them reason themselves into a frame of mind to believe the amendment to be germane without careful analysis of its relation to the matter proposed to be amended. Under the act of June, 1910, the President is authorized to withdraw public lands for any public purposes. While it does not appear on the face of this bill that certain lands have been withdrawn for the purpose of providing oil for the Navy, it is a matter well within the knowledge of the Chair and of Members generally that such action has been taken. Suppose the President had also withdrawn public lands and set them aside to be utilized as military reservations or as forest reserves or for park or some other purpose. Would amendments be in order to this provision which would provide that the royalties of any leases of such lands should be segregated in the Treasury and dedicated to the development of military reservations or of public parks or for some other public purpose assigned as the reason in the order of withdrawal made by the President? It seems to the Chair that such proposals could not reasonably be anticipated, nor could they be held as logical sequences to the provision in the bill.

The meaning of the word "germane" is akin to, or near to, or appropriate to, or relevant to, and "germane" amendments must bear such relationship to the provisions of the bill as well as meet the other tests; that is, that they be a natural and logical sequence to the subject matter, and propose such modifications as would naturally, properly, and reasonably be anticipated. The Chair has been unable to find any comprehensive definition of the term "germane" as used in a parliamentary sense. It is not easy to define, and it is difficult to state concisely, yet comprehensively, the rule to be applied to determine unerringly whether amendments are germane. The Chair believes that the true rule, and the tests to be used in applying it, have been here epitomized.

The fundamental purpose of this bill is not to provide revenue and to dedicate or segregate it in the Treasury. The fundamental purpose of the bill is "to authorize exploration for and disposition of coal, phosphates, oil, gas, potassium, or sodium," and the segregation of the proceeds of the leases authorized is merely incidental to the general scheme of the legislation.

The amendment of the gentleman from Wisconsin provides that—any moneys which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserve shall be set aside for the needs of the Navy and deposited in the Treasury to the credit of the fund to be known as the Navy petroleum fund, which fund shall be applied to the needs of the Navy as Congress may from time to time direct by appropriation or otherwise.

To simplify determining whether this amendment is in order, without changing its fundamental purpose, let it be assumed that instead of designating this fund as a "Navy petroleum fund" it were to be designated as a "Navy battleship fund," and to be applied by appropriation or otherwise by Congress to the needs of the Navy. The Chair does not believe that it would be seriously argued that the creation of such a fund as an amendment to this provision would be considered germane. The mere designation of the fund as a Navy petroleum fund, because this bill applies to oil leases, while perhaps confusing, does not change the character of the amendment. It would be no different if it were proposed that royalties from leases made of parts of public lands reserved for military purposes be placed in the Treasury for the support of the Army, or of lands reserved for health purposes be applied for the support of the Public Health Service. The very suggestion of such amendments clarifies the situation and, in the opinion of the Chair, obviates any difficulty in determining the question of order. In the opinion

of the Chair the amendment is not germane, and the Chair sustains the point of order.

Mr. LENROOT. Mr. Chairman, I have another amendment on the same subject.

The Clerk read as follows:

Page 23, after the word "direct," line 21, insert the following: "Provided That any moneys which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserve, shall be deposited in the Treasury as miscellaneous receipts."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 23, at the end of line 21, strike out the period and insert in lieu thereof a colon, and add the following:

"Provided, That the proceeds from the leasing of any unallotted lands included in the Indian reservation shall be covered into the Treasury to the credit of the tribe on whose reservation the leased land is located; and the proceeds derived from leases of lands allotted to any Indian shall be paid to such Indian under such regulations as the Secretary of the Interior may prescribe."

Mr. STEPHENS of Texas. Mr. Chairman, this is to perfect an amendment already in the bill which was adopted in the first section, line 5, after the word "forest." The committee has adopted this language:

That deposits of coal, phosphate, oil, gas, potassium, or sodium owned by the United States, including those in national forests, and unallotted lands in Indian reservations, but excluding those in national parks, military or other reservations, wherever the purpose or usefulness of which would, in the opinion of the Secretary of the Interior, be destroyed by occupation, use, or development.

The amendment is to unallotted lands in Indian reservations. The bill already contains that provision, and the bill applies throughout to Indian lands, and this amendment is offered to section 30 for the reason that there is no appropriation of the funds arising from the sale or disposition of these lands under this bill. This amendment provides that unallotted lands belonging to the Indians shall become a common fund belonging to that tribe of Indians.

Mr. FERRIS. Will the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. FERRIS. Let me suggest to the gentleman that his amendment should be offered to come in following the adoption of the amendment offered by the gentleman from Wisconsin, which has just been agreed to, by offering it at the end of the amendment which has just been adopted.

Mr. STEPHENS of Texas. Mr. Chairman, I ask to modify my amendment by offering it to come in immediately following the amendment just adopted.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment as to the place where it is offered. Is there objection?

There was no objection.

Mr. STAFFORD. Will the gentleman from Texas yield?

Mr. STEPHENS of Texas. Yes.

Mr. STAFFORD. In the second portion of the gentleman's amendment he provides for the payment of the fund arising from allotted Indian lands to the Indians. I would like to inquire whether he ought not to incorporate "the Indian or his heirs."

Mr. STEPHENS of Texas. This is to be under such rules and regulations as the Secretary of the Interior may prepare.

Mr. STAFFORD. The special language limits it to payment to the Indian.

Mr. STEPHENS of Texas. I would have no objection to the amendment.

Mr. STAFFORD. But ought it not to be included?

Mr. MANN. Would not the heirs be Indians who owned the land? Will the gentleman from Texas yield for a question?

Mr. STEPHENS of Texas. I will.

Mr. MANN. I notice that the gentleman's amendment referring to the disposition of the funds includes not only unallotted lands but allotted lands.

Mr. STEPHENS of Texas. Yes.

Mr. MANN. But this leasing is only authorized on unallotted lands.

Mr. STEPHENS of Texas. There are many leases on lands and reservations belonging to the Indians.

Mr. MANN. Yes; but this bill does not authorize the leasing of allotted lands belonging to the Indians.

Mr. STEPHENS of Texas. There is no law authorizing the leasing of allotted lands belonging to the Indians.

Mr. MANN. There is nothing in this bill authorizing the leasing of such lands.

Mr. STEPHENS of Texas. No.

Mr. MANN. Why, then, does the gentleman make disposition of funds arising from allotted lands when the bill only authorizes the lease of unallotted lands?

Mr. STEPHENS of Texas. This was drafted by the department, and it is the same provision that was in the Alaskan bill.

Mr. MANN. I do not want to make any reflections on the department. I suppose we have been told 20 or 30 times during this debate that the department thinks so and so.

Mr. MONDELL. A hundred times.

Mr. MANN. I have a great regard for the department, but this is the legislative body where the bright minds come together and produce legislation under conditions that it is not possible for one man to have in a department; however brilliant he may be.

Mr. STEPHENS of Texas. But the gentleman is aware that for many years it has been the custom of the various departments when a bill has been submitted to them to submit a statement as to whether it is desirable legislation.

Mr. MANN. Oh, we always want their opinion. That is proper.

Mr. STEPHENS of Texas. It is rather too late now to disclaim the right of the department to give such an opinion.

Mr. MANN. Oh, I am not disclaiming any right of any department.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. MONDELL. I understood the gentleman to say that there was no law under which allotted lands could be leased for minerals.

Mr. STEPHENS of Texas. I know of none.

Mr. MONDELL. They have been leasing allotted lands on the Shoshone Indian Reservation in my State for coal and oil for, lo, these many years.

Mr. STEPHENS of Texas. There may be some special act authorizing it.

Mr. MONDELL. Can not that be done in every case and in any case where the allottee consents to it?

Mr. STEPHENS of Texas. I think not.

Mr. MONDELL. There is a general law that gives the Secretary authority to do that for the allottee where he desires to have it done.

Mr. STEPHENS of Texas. One passed the House and is now pending in the Senate. In fact, I think I have passed the bill three times through the House, a bill that I have been nursing very tenderly for years, but it has always failed in the Senate.

Mr. MONDELL. There must be some such law applying to the reservation to which I refer.

Mr. STEPHENS of Texas. If there is, I think it is a special law.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. LENROOT. Has the gentleman other amendments that he proposes to offer?

Mr. STEPHENS of Texas. This is the last. The first amendment was to the first section.

Mr. LENROOT. I would like to state to the gentleman that with these two amendments I feel very certain that unless there are other amendments offered, the interests of the Indians would be most seriously jeopardized. There must be further amendments if the rights of the Indians are to be protected. For instance, we certainly do not want the oil provision to apply to Indian lands as we have it in this bill. You certainly do not want to give a fee title on Indian lands to one quarter on a prospecting permit.

Mr. STEPHENS of Texas. I will state to the gentleman that that is not in contemplation at all, and the language of the amendment would not give the right the gentleman suggests, but it would be under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. LENROOT. The point I make is that if the Indians are to have the benefit of the oil provisions of this bill at all, the bill must apply to them as a whole, as it stands; and there has been so far no exception made in regard to Indian lands, so far as fee titles are concerned, and you certainly will be in the position, if this is all the amendment the gentleman has, of providing for a fee title upon Indian lands.

Mr. CARTER. Mr. Chairman, will the gentleman from Texas yield to me?

Mr. STEPHENS of Texas. I yield.

Mr. CARTER. I do not remember just what the other amendment of the gentleman from Texas was, but this amendment only provides for the proper placing of the proceeds of the leases.

Mr. LENROOT. I am raising no question about the amendment itself accomplishing the particular purpose that it desires.

My query is, If these are all the amendments the gentleman suggests, to adopt this will require further material amendments to properly protect the Indians.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CARTER. Mr. Chairman, I move to strike out the last word. Unless the original amendment of the gentleman from Texas would in some wise affect or change the law with relation to leasing these lands, I do not see that the present amendment makes any change in them, any further than a provision for the proper placing of the proceeds.

Mr. LENROOT. Unless other and further material amendments are made, I think the Indians will not be properly protected. We ought to go back and strike out the one amendment we have adopted making it apply to Indian lands, because we must adopt other material amendments if we desire to properly protect the Indians.

Mr. CARTER. Not having in mind what the other amendments of the gentleman from Texas were, I can not intelligently discuss them.

Mr. STAFFORD. The other amendment I strenuously opposed because it extended the provisions of this bill to Indian lands. I opposed it upon the ground that it was depriving the Indians of their rights and the fruits of their own lands. The provisions of this bill would give the right to a grant of fee title to 160 acres, and in some cases 640 acres, to an outsider on Indian reservations. This provision would appropriate all of the property rights of the Indians, so far as the land that might be granted by fee title is concerned.

Mr. CARTER. I have before me now the original amendment of the gentleman from Texas, and I see that it provides to include unallotted lands on Indian reservations.

Mr. STAFFORD. At the time of the adoption of that amendment the gentleman from Texas stated that he had another amendment that would safeguard the rights of the Indians by limiting the profits to the Indians themselves; but here, by other provisions of the bill, you are surrendering their rights away.

Mr. FERRIS. Is the gentleman trying to say that some of the Indian lands would be patented to the lessee?

Mr. STAFFORD. Yes.

Mr. LENROOT. Under the oil section.

Mr. FERRIS. Oh, no; because there would not be any prospector's permit. The Secretary only issues them within his discretion; and of course he would not issue one on an Indian reservation, but would only issue a lease.

Mr. STAFFORD. What authority has the gentleman for saying that he would not? It is within his discretion. Why could he not under the provisions of this bill?

Mr. FERRIS. It would be unheard of, that any Secretary would think of issuing a prospector's permit on land that belonged to Indians.

Mr. STAFFORD. That is mere assumption.

Mr. FERRIS. He would not think of such a thing.

Mr. JOHNSON of Washington. Will the gentleman yield at that point? In a case which I have in mind the Indian Office has already made a lease based on 15 cents an acre for the first year, 30 cents an acre for the second year, 50 cents for the third, and 75 cents thereafter, and \$1 an acre rental on top of that. Under these leases men have put their money in there. Where do they get off and where do the Indians get off if the oil prospectors go on the adjoining public domain?

Mr. FERRIS. The answer is it is not mandatory on the Secretary to issue a lease to anybody or a permit to anybody, but of course the Secretary who authorized the issuance of a permit on the terms indicated by the gentleman would not issue subsequent leases which would interfere with them.

Mr. JOHNSON of Washington. On the contrary, the prospector going on the adjoining open territory would have a very liberal rate under this oil section, whereas the investigator already on the ground on the Indian lands would find the figures prohibitive, and in that case the Indians would suffer.

Mr. FERRIS. That would depend upon the original contract. If the Secretary has made a contract with the Indians in the past on some disadvantageous terms, of course that frailty is on the part of the department. But this law would in no manner conflict with existing leases, and only upon the abandonment or the expiration of such leases would this law be applicable.

Mr. JOHNSON of Washington. It would have to be abandoned. That is just what is going to happen on one of the largest Indian reservations in Washington.

Mr. FERRIS. Then it would be a frailty of the past rather than the present.

Mr. JOHNSON of Washington. And stop the men who were trying to put their money into the development.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to add one word to the amendment. After the words "lease of lands" add the words "restricted lands." I desire to change my amendment, and I ask unanimous consent to modify the amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment. The Clerk will report it.

Mr. FERRIS. The gentleman does not think that we should lease allotted lands at all?

Mr. STEPHENS of Texas. No; I am willing to strike that out.

Mr. CARTER. If the gentleman from Oklahoma will yield, I will call attention to the fact that the amendment itself applied to allotted lands.

Mr. FERRIS. Then, I think the word "allotted" ought to be stricken out. I do not think we ought to lease allotted lands. I think that might get us into trouble.

Mr. RAKER. Let me ask the gentleman from Oklahoma is the word "allotted" understood to mean 160 acres that is allotted?

Mr. FERRIS. Yes.

Mr. RAKER. That is all right. All over the West, particularly in California, there are many hundreds of thousands of acres of this kind of land. These people can not use them nor make a living on them. Ought not their lands to be used for them instead of selling them? I want to call attention further. Now, if they have lands on which oil or gas or coal can be leased by which we could make a safe provision for the Indian and his family, does not the gentleman think that would be better?

Mr. FERRIS. I think it would be unsafe and unwise with 330,000 Indians, some of which are allotted and some not, after the land has proceeded to allotment and each Indian has his individual share. I doubt whether it comes within the province of a public-lands bill to do more than lease the unallotted lands.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent to modify the amendment I have offered in this way: Strike out all after the word "located" in the amendment I have offered and sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment by striking out all after the word "located."

Mr. LENROOT. May we have that reported?

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Provided, That the proceeds from the lease of any unallotted lands included in an Indian reservation shall be covered into the Treasury to the credit of the tribe on whose reservation the leased land is located.

Mr. STEPHENS of Texas. And add, "under such rules and regulations as the Secretary of the Interior may prescribe."

The Clerk read as follows:

Under such rules and regulations as the Secretary of the Interior may prescribe.

The CHAIRMAN. Is there objection to the modification of the amendment as suggested?

Mr. MANN. Reserving the right to object, I would not object if I can have it reported as it is now modified.

The CHAIRMAN. The Clerk will report the amendment as now modified.

The Clerk read as follows:

Provided further, That the proceeds of the lease of any unallotted lands included in an Indian reservation shall be covered into the Treasury to the credit of the tribe on whose reservation the leased land is located under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. LENROOT. Mr. Chairman, I have no objection to this amendment whatever; but I do want, if I can, to make my position clear to the gentleman from Texas. The position taken by him seems to be that the first section of this bill, to which an amendment has been adopted including Indian reservations, is sufficient to carry Indian lands throughout the bill. Now, one of two things is true—it either is not sufficient or, if it is, the provisions of the bill with reference to oil lands should be changed. Now, I do not believe the amendment to the first section does carry authority to the Secretary of the Interior to lease any Indian lands at all. The purpose of this first section is not to designate what lands shall be leased but to whom the lands may be leased. That is the purpose of this section. It provides that these lands designated may be leased to citizens of the United States, and so forth, and then, as we go on in the bill, taking up the subjects separately, coal, phosphates, oil, and so forth, we expressly name the lands that may be leased.

To illustrate, section 3 provides that coal lands or deposits of coal belonging to the United States may be leased, and so on throughout the entire bill. And I submit that without amendment, the language being specific as to each character of mineral, fuel, or fertilizer, in order to carry out the gentleman's object amendments must be made either upon each of those subjects or Indian lands must be brought within the terms of the bill later on under a general section.

Mr. STEPHENS of Texas. Does not the gentleman think the language is sufficient here in the first part?—

That deposits of coal, phosphate, oil, gas, potassium, or sodium owned by the United States, including those in national forests, but excluding those in national parks, etc., shall be subject to disposition in the form and manner provided in this act.

Mr. LENROOT. Does not the gentleman see that the purpose of that section is to define who may acquire the benefits of the bill?

Mr. FERRIS. I believe the gentleman is mistaken. I believe it does a good deal more. This refers to the disposition of what? Indian lands, unallotted, national forests, and all public lands. How? As this act provides. Then we go right along and make the provision.

Mr. LENROOT. It says, "Shall be subject to disposition in the form and manner provided by this act," and then, if we were not specific in each case, naming the land that can be leased, then I would agree with the gentleman, but having been specific in each case in naming the lands the Secretary may lease, I contend the special provision is superior to the general provision and will prevail. But if this were not true and taking the other theory, namely, that it is broad enough to include Indian lands, I sincerely hope before the bill goes from this House that the Secretary of the Interior will not be permitted under the terms of the bill, as he is permitted, to grant a title in fee upon Indian lands for anything. I have as much confidence in the Secretary of the Interior as any man in this House, but we ought not to legislate in a way that would permit a Secretary of the Interior to issue a prospecting permit for oil upon Indian reservations and pass title to a part of the Indian lands in fee to the prospector.

Mr. MANN. Will the gentleman yield for a question?

Mr. LENROOT. Yes.

Mr. MANN. As I understand the gentleman's position, it is that under the amendment to the first section we either do or we do not make all Indian lands subject to the provisions of the bill; that if we do not, it does not amount to anything, but if we do we provide for the issuance of a patent for 640 acres to a permittee who has discovered anything upon the Indian lands. If that is so, who will have to pay for the land?

Mr. LENROOT. The Indians will have a claim against the Government.

Mr. MANN. Of course the United States gets nothing out of that lease except the pleasure of paying for the land.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. LENROOT] has expired.

Mr. LENROOT. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LENROOT. In view of the fact that I have held this position throughout the bill, I wish to say, in explanation of why I did not offer amendments as the bill was considered section by section, that early in the consideration of the bill I asked the gentleman from Texas [Mr. STEPHENS] whether later on he proposed to offer a general section that would take care of all these matters, and I understood him to reply that he would. And that is the reason why I have heretofore said nothing in reference to this matter.

Mr. STEPHENS of Texas. I think I have done so. I think the first section is sufficient.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to close debate on this amendment at the expiration of two minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to close debate on this amendment at the expiration of two minutes. Is there objection?

Mr. BURKE of South Dakota. I may want five minutes, Mr. Chairman.

Mr. FERRIS. Then I will say at the expiration of seven minutes.

Mr. CURRY. Before the debate is closed, I would like to ask the chairman of the committee a question, and it will take him about two minutes to answer it.

Mr. FERRIS. Then I ask for nine minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the debate on this amendment close in nine minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I simply rise to call attention to the fact that if we remain in session long enough the various suggestions I have made will be adopted or their wisdom be clearly demonstrated. I said, when the amendment was offered adding Indian reservations to this bill, that there were a score of provisions in the bill that such an amendment would put out of joint and that therefore such an amendment should not be adopted. The gentleman from Wisconsin [Mr. LENROOT] has just called attention to a few of them. This bill was drafted with a view of applying it to the public domain, and it does not fit the conditions of Indian reservations. There are numerous provisions in the bill which, if applied to Indian reservations, will work hardship on the Indians, will take from the rights of the Indians. It is unwise to adopt that kind of an amendment after a bill has been drawn and perfected with reference to entirely different conditions. The unwisdom which some of us pointed out of including Indian reservations is now made clear.

Mr. BURKE of South Dakota. Mr. Chairman, I want to say to the gentleman from Oklahoma [Mr. FERRIS] that in my opinion, while I have not had an opportunity to examine the bill with much care, I am satisfied if it is intended that it will apply to unallotted lands in Indian reservations, it ought to be amended as suggested by the gentleman from Wisconsin [Mr. LENROOT].

Further, I want to ask the gentleman from Oklahoma if under the terms of this bill a person, company, or corporation who may secure a permit to prospect may not ultimately acquire title to a certain number of acres of land?

Mr. FERRIS. Well, this is the language of the act, in section 3, page 2:

That the Secretary of the Interior is authorized to, and upon the petition of any applicant qualified under this act—

The act says "shall." That was stricken out and made "within his discretion." He does not have to issue a permit to anyone unless he wants to do so. The committee could not conceive of a Secretary who would issue a prospect permit to anyone that would give a patent in fee on the Indian land.

Mr. BURKE of South Dakota. Suppose some Secretary of the Interior should grant a permit; then what?

Mr. FERRIS. Oh, I suppose he could get a patent in fee. You can suppose anything.

Mr. BURKE of South Dakota. I will say to the gentleman that unless there is some amendment such as has been suggested, I think it very dangerous to pass it in the form in which it is at present.

Mr. FERRIS. We can return and put that in.

Mr. CURRY rose.

The CHAIRMAN. The gentleman from California [Mr. CURRY] is recognized.

Mr. CURRY. Mr. Chairman, United States property, real and personal, is exempt from local and State taxation. Under the provisions of this bill would the leased land, the improvements, and the products of the mines be taxable? Possibly the products on the leased land may be after it has been removed. But will the leased land and improvements be subject to local taxation for county, municipal, and State purposes?

Mr. FERRIS. I will say to the gentleman that we have had that identical question up in our State, and there is no doubt but that your legislature has the authority to impose an excise tax that will catch every pound of coal and every gallon of oil that may be produced. There is no doubt also that they can tax the machinery and improvements which go as personal property on the leased lands. It is so done in our State. So that the western people under this bill get, first, the right to have the surface of the ground entered and passed to patent, which, of course, places it on the tax roll; and also, second, get a chance of imposing an excise tax on the products from the mines; and, third, the taxing as personalty the improvements on the land; and not only that, but, fourth, the West gets the revenues that come from the leases, for they go into the reclamation fund to irrigate the West. Therefore I think, while I do not want to set off any bombs on the western people, that they are very well treated in this bill, and I think when they realize what has been done for them they will be highly pleased with it.

Mr. CURRY. I do not agree with the gentleman's opinion as to my State. If you wish to subject this property to county, municipal, and State taxation, what reason is there for not doing it directly in the bill, and providing specifically that it is not exempt? In our State we have two systems of taxation. Property subject to State taxation is segregated from that subject to local taxation. The State taxes are paid by the corporations, and the county and municipal taxes are paid from tax-

ing other classes of property. This leased property, real and personal, amounting to hundreds of millions of dollars in value, would not be subject to State tax and would not be subject to county or municipal tax.

Mr. FERRIS. Of course, the gentleman knows that Government property is not subject to taxation anywhere, and I would not be in favor of subjecting Government property to taxation at any time or in any place. That might permit the local governments to confiscate Government property.

Mr. CURRY. Then would the gentleman contend that the hundreds of millions of dollars' worth of property on these lands should be exempted from taxation?

Mr. FERRIS. All that has been gone over many times. I will say to the gentleman from California. We are not imposing on the western people. We are dealing generously with the West. We are developing the West, and it will not take very long to demonstrate it.

Mr. MANN. Would not the leasehold, the value of the lease, be subject to taxation?

Mr. FERRIS. I am inclined to think the Government lease would not be. The machinery and improvements are taxed as personal property, and the surface of the land goes to patent as fast as entered. I may call to the attention of the gentleman that the surface may pass into private ownership under the homestead provisions and pass on to the tax list regularly, so that all the Federal Government is doing is protecting leasing the deposits. They are for the benefit of the West. It is a new era in the West. There all may share the resources.

Mr. MANN. The value of the lease is personal property.

Mr. FERRIS. There might be a way to reach that; I am not sure about that. Of course, I am not in favor of having the Government property taxed, and I am not in favor of turning the local communities loose to confiscate Government property by taxation.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. CURRY. Mr. Chairman, I would like to have one more minute.

The CHAIRMAN. The gentleman from California [Mr. CURRY] asks unanimous consent to proceed for one more minute. Is there objection?

There was no objection.

Mr. CURRY. This product of the mines would not be subject to taxation. The other people would have to pay all the road taxes and the school taxes and all other taxes, while this property, worth hundreds of millions of dollars, would be exempted from taxation.

Mr. FERRIS. The gentleman from California is in error about that. As soon as the oil or the coal is brought up from the earth it becomes subject to taxation as personal property.

Mr. CURRY. Why not put it in the bill specifically and not leave the question one to be adjudicated?

Mr. FERRIS. You do not need it in the bill. That is a proper matter for the local legislature of the State.

I repeat, Congress has and is in this bill generous with the West. Much has been said by those who are unfriendly, but I feel as sure as that one day follows another we are rendering a great service for the West and for the Nation.

The CHAIRMAN. The time of the gentleman from California has expired. The question is on agreeing to the amendment of the gentleman from Texas [Mr. STEPHENS].

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman from Wyoming withhold his amendment for the present?

Mr. MONDELL. Yes.

Mr. BURKE of South Dakota. I desire, Mr. Chairman, to ask the gentleman from Oklahoma a question. As I understand it, one or more amendments have been agreed to by which the bill will apply to unallotted lands in Indian reservations.

Mr. FERRIS. It was so intended.

Mr. BURKE of South Dakota. What I wanted to ask is whether it will not create confusion if this bill is passed without excepting the Osage Reservation and possibly the Five Civilized Tribes in Oklahoma? I am not clear about it, but I would like to have the opinion of the gentleman.

Mr. FERRIS. My thought is that the Osage lands are all leased already, and I think most of the surface of the land under the allotments has been sold. The gentleman from South Dakota [Mr. BURKE] knows that there emanated from his Committee on Indian Affairs years ago a bill providing for the disposition of the unallotted lands of the Indian nations.

Mr. BURKE of South Dakota. If they have not been disposed of, would not this repeal that law, and would not the land be subject to the provisions of this act?

Mr. FERRIS. As the gentleman knows, the lands have been subject to lease for 20 years and have been leased, and there is an energetic movement on the part of the lessees to get the leases renewed now.

Mr. BURKE of South Dakota. I would suggest to the gentleman from Oklahoma, the chairman, and to the other gentlemen from Oklahoma that they had better look out or they will be consenting to the passage of an act that will affect the Osage Reservation, and perhaps the Five Civilized Tribes, in a way that would be undesirable.

Mr. FERRIS. The unallotted lands of the Five Civilized Tribes are all sold now except the timberlands.

Mr. BURKE of South Dakota. The segregated mineral lands have not yet been disposed of.

Mr. DAVENPORT. I want to call the attention of my colleague [Mr. FERRIS] to the fact that the blanket leases do not cover all the Osage lands. I think the suggestion of the gentleman from South Dakota [Mr. BURKE] is a wise one, that there ought to be an exemption there, excepting the Five Civilized Tribes and the Osage Indians from the provisions of this bill. I think the gentleman from South Dakota is absolutely right about that.

Mr. FERRIS. The Secretary already has the authority that this gives to him, and I can not fathom what the objection would be to letting the law apply which already applies.

Mr. BURKE of South Dakota. I will say to the gentleman that I do not care to propose any amendment. I merely call it to his attention. I will also mention that the New York Indians own their lands in common and have a reservation. I do not think it is the intention of the committee to legislate with reference to minerals upon the reservation of the New York Indians in the State of New York or other similar reservations.

Mr. FERRIS. It will be within the discretion of the department in each case.

Mr. STEPHENS of Texas. There never has been any claim that there was any mineral on the Indian reservation in the State of New York.

Mr. BURKE of South Dakota. There are a great many localities where nothing was known as to the existence of mineral, but subsequently very valuable mineral has been discovered.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 23, strike out all of section 30 after the numerals "30," in line 4, and insert the following: "That 50 per cent of all moneys received from royalties and rentals under the provisions of this act, except those from Alaska, shall be paid by the Secretary of the Treasury, after the expiration of each fiscal year, to the State within the boundaries of which the leased lands are located, for the support of public schools, the construction of roads, and other proper public purposes, as the legislature of the State may direct; and 50 per cent of said royalties and rentals shall be paid into the reclamation fund."

Mr. MONDELL. Mr. Chairman, there are two important respects in which this legislation will affect western communities. One has to do with the changed political and industrial conditions that will arise upon the departure from a system of private ownership and the adoption of a system of Government leasing and Government permanent control. The abandonment of a system of private ownership in extensive properties over vast areas and the adoption of a system of permanent Federal landlordism will profoundly affect the industrial and political situation in all of these States. In addition to that the communities will be very greatly affected in their power to produce revenue. Our western people have become more or less reconciled to the inauguration of a system of leasing, because we have hoped that thereby the community at large would receive larger returns from the development of natural resources; that the community would receive a larger share of benefits than now as mineral wealth is depleted. We have hoped and expected that if a system of this kind was adopted we would receive from it benefits through royalties, taking the place of taxes to a certain extent, of mine-output taxes, perhaps, to help us in maintaining our schools, in building roads, and in sustaining our system of civil government. The reporting of the bill dashed that hope; for while nine-tenths of the mineral lands of my State are now Government property, under the provisions of this bill there is no assurance to any community in the State that it will ever receive a dollar of the hundreds of millions of dollars that may be taken from these lands in the way of royalties. It is true there is a provision in the bill that 50 per cent of the fund, after it has gone into the reclamation fund and

been used in the completing of projects, and is paid back, shall go to the States for the benefit of the communities. But I pause to give some astute gentleman the opportunity to tell us how you can tag any dollar paid into the reclamation fund and follow it through the processes of construction and repayment and ever determine when that dollar comes back. I have asked some pretty brilliant men that question—how it was to be done. Part of the reclamation fund will be going on practically forever, and may never come back. Query: Will it be the dollar that shall come from a mining lease in Fremont County, Wyo., that is not paid back in a lifetime, or a dollar paid into the fund from an Idaho or Colorado lease?

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask unanimous consent to proceed for five minutes.

Mr. FERRIS. Reserving the right to object, I ask unanimous consent that at the end of the five minutes which the gentleman desires debate shall be closed on this section and on all amendments thereto.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on the pending section and all amendments thereto be closed in five minutes. Is there objection?

Mr. MANN. I have an amendment that probably will not take more than a minute or two.

Mr. FERRIS. Then, I ask unanimous consent to make it 10 minutes, 5 minutes to be controlled by the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman asks unanimous consent that at the end of 10 minutes debate on this section and all amendments thereto be closed. Is there objection?

There was no objection.

Mr. MADDEN. Does the gentleman think any dollar that goes into the reclamation fund will ever come back?

Mr. MONDELL. Oh, yes; several million dollars have already come back. But I yield to any gentleman on the floor who will point out any way whereby any of this money can be so tagged, designated, and identified that anyone can ever tell when it comes back or whether it ever comes back; and in the ordinary procedure under the reclamation fund moneys could not be expected back into the State inside of 30 years. It might be 10 years after it is placed in the fund before the project is completed. The period for its repayment is 20 years. Thirty years from now these States may secure some return, provided it is possible to identify any of the money which the bill seems to contemplate they shall at some time receive.

In the meantime you have established a system of absentee landlordism, the Government being the absentee landlord, under which you take from the State at least 10 per cent of the value of all of its oil production and perhaps the same proportion of the value of its coal production. It goes into the reclamation fund; that is a fund which we of the West approve of. But it goes into reclamation projects, however; and what consolation is it to a community having coal lands and oil fields, and not within hundreds of miles of a reclamation project, that some settlers somewhere on a reclamation project may be benefited by the use of the money taken from the development in their region? We want the reclamation fund sustained, but we do not think it needs all the proceeds of these leases.

There is some question as to whether we can tax improvements on these lands. Some gentlemen are confident that we can, while others, very good lawyers, say it is very questionable. Can we apply our mine-output tax law, such as we have in my State, to this product? In the opinion of many it is doubtful. The cream of all values is taken from us. We are left stripped of our opportunities to secure the necessary and needful funds for the building of our roads, for the education of our children, and for the maintenance of our local and State governments. We have been willing to accept the uncertainties and known disadvantages of Federalism, of bureaucracy through Federal leases, for a time at least, in the hope that through it the localities should have a considerable return as the mineral products of their country are used, in order that permanent roads and good schoolhouses might show the beneficial results of the extraction of minerals on a public lease.

Mr. FESS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FESS. What is the source of the school fund in public land States?

Mr. MONDELL. From ordinary taxation and partly from the 5 per cent of the sale of public lands which is now paid us, but that is wiped out by leasing legislation. In other words,

this legislation leaves us worse off than we are now. I am glad the gentleman called my attention to this matter. Now when the lands are sold we get 5 per cent of the returns, but under this bill the lands are never sold and we do not get that. Under this bill when lands are patented they do not pay anything for them, there is no 5 per cent to give us, and so we are robbed at both ends—no return from leased lands, none from lands patented.

Mr. FESS. Does the gentleman know the cost of education in the State of Wyoming compared with that of Ohio?

Mr. MONDELL. My recollection is that the last census placed Wyoming among the very first of the States in her expenditure for education per capita.

Mr. FESS. Then there ought to be some increased source of revenue.

Mr. MONDELL. We need it and must have it, instead of having it taken away from us.

Mr. METZ. Why does not the State of Wyoming raise the money by taxation of its citizens, the same as we do?

Mr. MONDELL. My State does, and does it so well that only one-half of 1 per cent of the inhabitants can not read or write.

Mr. METZ. Why do not you raise the money by taxation?

Mr. MONDELL. We do; but the gentleman must realize that 80 per cent of all the real estate of Wyoming is owned by the Federal Government. If the good State of New York should have 80 per cent of its real estate taken from the tax roll, does the gentleman think they would have much left to support schools? If the system of the sale of these mineral lands were to be continued, we would get 5 per cent of the money for our school fund, and then we would have the opportunity to tax the lands. This act provides for no sales. Some lands are to be given away, the balance leased. Our 5 per cent is gone and we are to get no part of the royalties. Nothing could be more unjust.

The CHAIRMAN. The time of the gentleman from Wyoming has expired. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken; and on a division (demanded by Mr. MONDELL) there were 20 ayes and 52 noes.

So the amendment was lost.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 23, line 20, amend by striking out the words "or for the construction of public improvements."

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. I yield.

Mr. FERRIS. After consultation with the members of the committee we think that amendment is all right, and we accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 13811. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

EXPLORATION FOR COAL, ETC.

The committee resumed its session.

The Clerk read as follows:

Sec. 32. That all laws or portions of laws in conflict herewith are hereby repealed, except as to valid claims existent at date of the passage of this act and thereafter maintained in compliance with the laws under which initiated.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 24, line 1, after the word "That," insert the following: "the deposits of coal, phosphate, oil, gas, potassium, and sodium herein referred to shall be subject to disposition only in the form and manner provided in this act, and."

Mr. LENROOT. Mr. Chairman, at the beginning of the consideration of this bill the gentleman from Wyoming argued that under the bill as it stood it did not repeal the placer-mining laws and perhaps other acts, so far as they related to oil lands, and so forth; that as the bill stood these acts would apply to oil and other deposits referred in the bill. The amendment I have proposed makes it clear that lands containing the deposits shall be disposed of only in the manner and form prescribed by this act, so as to meet the objection made by the gentleman from Wyoming.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I ask unanimous consent to return to section 2 for the purpose of offering an amendment excluding Indian lands from the operation of the section.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return to section 2 for the purpose of offering an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 14, after the word "Provided," insert: "The provisions of this section shall not apply to unallotted lands on Indian reservations."

The CHAIRMAN. Is there objection?

Mr. CARTER. Mr. Chairman, reserving the right to object, I would like to make that request also include a return to section 1 for the purpose of offering the following amendment.

Mr. LENROOT. Let us have one at a time.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none. The question is on agreeing to the amendment of the gentleman from Wisconsin.

The amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I now ask unanimous consent to return to section 14 for the purpose of offering a similar amendment.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return to section 14 for the purpose of offering an amendment, which the Clerk will report.

The Clerk read as follows:

Page 13, line 5, after the word "hereof," insert: "Provided further, The provisions of this and the preceding section shall not apply to unallotted lands upon Indian reservations."

The CHAIRMAN. Is there objection?

Mr. BURKE of South Dakota. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from Wisconsin to explain just what is proposed by his amendment.

Mr. LENROOT. Mr. Chairman, section 13 provides for the issuing of a prospecting permit, for prospecting for oil. Section 14 provides that upon the discovery of oil by a prospector he shall be given fee title to one-fourth of the land covered by his permit. The purpose of my amendment is to provide that the provisions of neither of these sections shall apply to unallotted lands on Indian reservations.

Mr. BURKE of South Dakota. I would like to ask the gentleman, if his amendment prevails, and the bill should become a law in the form in which it now is, whether under the terms of it the unallotted lands of the Indians can be leased by the Secretary of the Interior?

Mr. LENROOT. Mr. Chairman, in reply to the gentleman, I will state that before these amendments I have suggested are adopted, it was my opinion they could not, but if these amendments are adopted, excepting Indian lands from coal lands and oil lands, I am inclined to think that the intention of the law would be clear to include Indian lands throughout.

Mr. BURKE of South Dakota. Would that be without any consideration of what the Indians might desire themselves?

Mr. LENROOT. It would.

Mr. MANN. Not necessarily, because it is discretionary.

Mr. LENROOT. Oh, yes; it is discretionary.

Mr. BURKE of South Dakota. Mr. Chairman, I want to call the attention of the gentleman and also of the committee to the fact that under the only law that there is now on the statute books which recognizes the right to lease lands for mining purposes it can only be done by the consent of the council of the tribe, and I was wondering whether it was the intention by this bill now to leave the matter entirely with the Secretary of the Interior to lease unallotted lands for mining purposes, regardless of the title that the Indians may have in their reservation, regardless of the status of the Indians as to intelligence, and without any regard as to whether they are willing to lease their lands or not.

Mr. LENROOT. Mr. Chairman, in reply to the gentleman, he, of course, understands that the amendment relating to Indian lands did not come from the committee. It came from the gentleman from Texas [Mr. STEPHENS]. As I have heretofore stated, I had understood that before the consideration of this bill should be concluded there would be a general section offered that I supposed would give to the Indians the same protection that they have now, and all that I am seeking to do in the amendments that I have proposed is to give to the Indians such protection in those particulars, at least, that they are clearly entitled to. I do not for a moment contend that there ought not to be other provisions in the bill so long as Indian lands are included, further protecting them.

Mr. BUPKE of South Dakota. Mr. Chairman, still further reserving the right to object, I want to say to the gentleman and to the committee that I think it is unfortunate that it is proposed to make this law apply to Indian reservations at all without the matter having been considered by the committee that reports the bill, to say nothing of the Committee on Indian Affairs, which is the proper committee that ought to report legislation of this kind. I am in accord with the amendment suggested by the gentleman from Wisconsin, and I am not going to object to returning for the purpose of having that amendment adopted, and I think, as the gentleman from Wisconsin [Mr. STAFFORD] suggests, it is a safeguard that ought to be in the bill if it is going to pass, but it ought not to be amended at all to include Indian reservations, unallotted or allotted or in any other form, in this way when that matter has had no consideration by any committee of the House. [Applause.]

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none. The Chair wishes to call the attention of the gentleman to the fact that the Clerk suggests that the word "That" should follow the words "Provided further."

Mr. LENROOT. I ask unanimous consent that it be so modified.

The CHAIRMAN. Without objection, the amendment will be modified in that respect.

There was no objection.

The question was taken, and the amendment as modified was agreed to.

Mr. CARTER. Mr. Chairman, I ask unanimous consent to return to section 1 for the purpose of offering an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, at the end of the Stephens amendment, after the word "reservation," insert "except the Five Civilized Tribes and the Osage Nation in Oklahoma."

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, the gentleman from Texas and the distinguished chairman of the Committee on Public Lands, from Oklahoma, having one sought and the other permitted an insertion in this bill which never ought to have gone in, the other gentleman from Oklahoma [Mr. CARTER] now seeks to relieve his State from its application. That is a very generous spirit which my friend from Oklahoma has. We in a moment of temporary aberration of mind inserted in this bill an amendment offered by the gentleman from Texas covering Indian reservations. Everyone in the House who paid any attention to the bill knows that the provisions of the bill on that subject are so that no one can tell what it means. No one knows to what reservation it applies or on what terms.

The gentleman from Wisconsin [Mr. LENROOT] has offered an amendment which he hopes, by negative form, will get somebody to construe the bill to mean that it covers certain Indian reservations in certain cases and does not cover them in other cases. But that is negative at the best. The gentleman himself does not think that it ought properly to affect the construction of the bill. What we ought to have done is to strike the whole Indian business out of the bill. If the Committee on Indian Affairs wants to bring in a bill to the House in reference to mining upon Indian reservations and copy this bill, with proper changes, very well and good; I would be willing to accept it.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. Yes.

Mr. STEPHENS of Texas. Does not the gentleman know that throughout the States and throughout all Indian legislation the Five Civilized Tribes have not been considered to be Indians on reservations and that there has been special legislation in reference to them? I did not believe and I do not believe now that this bill will apply to those Indians, but the gentleman from Oklahoma desired to make it perfectly clear that these Indians do not come under the requirements of this bill.

Mr. MANN. Well, that only shows the gentleman from Texas in offering his amendment did not carefully consider the matter. I am not criticizing him for it. He found this bill here, called up, and there was a question raised as to whether it covered Indian reservations or did not. Some one stated—the department stated or some one else—why, if it is good for the white man's land, why is it not good for the red man's land? Therefore he offered an amendment, but plainly the conditions are not the same. Now, what object was there in seeking to cover Indian lands? We dispose of the public lands. We au-

thorize patents to be issued. We authorize leases to be issued that give a man the right to go on the land and make investigation and discovery, and under the provisions of this bill, if applied to the Indian lands, a settler can obtain a permit to go and make investigation right in the middle of an Indian village, dig a well, or sink a shaft.

Mr. STEPHENS of Texas. Does the gentleman believe a Secretary of the Interior would do anything of that kind? Does the gentleman believe that any Secretary, now or any time in the history of this country, would violate the rights of the Indians in that way? I assume the contrary.

Mr. MANN. I apprehend, even where we have conferred discretionary power upon the Secretary of the Interior, that he would grant a permit in identically that case.

It ought to be protected by proper legislation; and, hoping it will have that effect, I am going to object to this. It is sauce for the goose; let it be sauce for the gander.

Mr. CARTER. Will not the gentleman withhold his objection for a moment?

Mr. MANN. Certainly.

Mr. CARTER. I think there is a good deal of virtue in what the gentleman from Illinois has said. I do not think we should legislate in this haphazard manner. I believe the matter ought to have gone to the committee and been thoroughly thrashed out by the committee, so that we would have understood exactly what we were doing. But the gentleman from Illinois has explained the situation quite plainly. The bill came up on the spur of the moment, having amendments suggested by the Secretary of the Interior. The gentleman from Texas [Mr. STEPHENS] has offered them, and they have been adopted. Now, I want to say for the benefit of the gentleman from Illinois—

Mr. STAFFORD. I hardly think the gentleman is within bounds when he says that the Secretary of the Interior suggested this amendment that was offered by the gentleman from Texas. It was a motion of the gentleman from Texas himself that was opposed by gentlemen on this side, and strenuously opposed. The gentleman from Texas did say that the Secretary of the Interior did not have any objection to including Indian reservations within the scope of this bill.

Mr. CARTER. As I understand it, the amendment was prepared by the office of the Secretary of the Interior.

Mr. STAFFORD. Not as I understand it.

Mr. CARTER. I saw a letter here from the commissioner to the gentleman from Texas [Mr. STEPHENS] presenting the amendments. This is in the hands of the gentleman from Texas now, and I am sure he would not mislead the House about it.

Mr. STAFFORD. That is very likely prepared by some clerk in the Indian Office.

Mr. CARTER. I do not care about that. I think it has the signature of the Commissioner of Indian Affairs to it.

Mr. STAFFORD. Very likely a rubber-stamp signature.

Mr. CARTER. I think if the gentleman will look at the letter he will not perhaps be so reckless in his statements. Now, I want to say this to the gentleman from Illinois: I do not want him to object to this amendment until he has heard my explanation.

Mr. MANN. I am going to do so. I will say to the gentleman that I will not object because of lack of merit in the amendment at all. I understand what the situation is. I hope we may have a separate vote on these amendments in the House relating to the Indian reservations and disagree to them, and if the department wants them to go in let them fix them up properly and present them to the Senate committee, and if they adopt them let them come to the House for action later.

Mr. CARTER. This seeks to do exactly what the amendments of the gentleman from Wisconsin seek to do; that is, to perfect the pending bill in accordance with the existing law. The Five Civilized Tribes have never been subjected to the general Indian law, but have always been legislated for separately. At the present time there is in the course of sale and disposition the unallotted lands among the Five Civilized Tribes—the timberlands, the coal lands, and the segregated mineral lands. If this bill should become a law before those lands are disposed of and this provision should apply to them, it might prevent the sale of those lands, and I am sure the gentleman from Illinois does not desire to do that.

I do not believe that the law would apply to the Five Civilized Tribes, anyway, but I simply offer this amendment out of abundant precaution, in order that the present law with reference to those matters, which has been so carefully worked out by the committees and by the House, with the ever-vigilant eye of the gentleman from Illinois always on them, might not be changed; and I hope the gentleman from Illinois will not

object to this amendment. It is just in line with what the gentleman from Wisconsin was trying to do. There was no objection made to the amendments of the gentleman from Wisconsin.

Mr. MANN. I am sorry I did not object to those.

Mr. LENROOT. Will the gentleman yield?

Mr. CARTER. I will.

Mr. LENROOT. May I suggest to the gentleman that he now submit a request for unanimous consent to reconsider all amendments relating to Indian reservations en bloc and have a vote upon them?

Mr. FERRIS. I really hope the gentleman will not do that. I do not want to get consent myself to go back and rehash all of this matter.

Mr. MANN. The amendment will be offered in the House.

Mr. CARTER. Will not the gentleman permit me to put my amendment on the same plane as the amendment of the gentleman from Wisconsin?

Mr. MANN. No; not at this time.

Mr. CARTER. Let me explain the situation here a little further. The gentleman from Wisconsin offered his two amendments, and I reserved the right to object. I think the gentleman from Illinois said they could not all come at once. It was a unanimous-consent proposition, and almost anything can be done by unanimous consent. If I had insisted at that time, the amendments of the gentleman from Wisconsin [Mr. LENROOT] would have been denied consideration. We were kind enough on this side not to do that, and I do not think this amendment should be discriminated against in that way.

Mr. LENROOT. The amendments I offered protected the gentleman's reservations as much as other reservations. They are not in the same line.

Mr. CARTER. I understand that; but they both sought to perfect the bill.

Mr. LENROOT. They are not in the same line at all.

Mr. MANN. We are not trying to take any advantage of the gentleman from Oklahoma. For the present I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] objects.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. MONDELL. Mr. Chairman, I wish to offer an amendment.

Mr. FERRIS. We have passed all the sections, and even have returned to certain ones by unanimous consent.

The CHAIRMAN. An amendment to the last section was offered.

Mr. FERRIS. I thought we were through with that.

The CHAIRMAN. The Chair will state to the gentleman from Wyoming [Mr. MONDELL] that the Clerk informs the Chair that his amendment does not state to what portion of the bill it is intended to be offered. Unless the gentleman indicates it, the Chair will hold that his amendment is not in order.

Mr. MONDELL. The amendment is to come in after line 5, page 24.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

At the end of the bill, page 24, after line 5, insert: "Provided, That before the sums received from leases under this bill are paid into the reclamation fund 25 per cent of the sum shall be paid by the Secretary of the Treasury to the proper authorities of the State in which the lessees are situated for the maintenance of schools and the building of roads."

Mr. FERRIS. Mr. Chairman, I make the point of order on that amendment that it is not in the proper place in the bill.

The CHAIRMAN. The amendment is not germane to the section to which it is offered. It would be germane to section 30.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to return to section 30 and that I be permitted to offer my amendment to that section.

Mr. FERRIS. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Oklahoma objects.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] moves that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of

the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, had directed him to report the bill to the House with certain amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. MANN. Mr. Speaker, I ask for a separate vote on the four amendments relating to Indian lands and the disposition of the proceeds—to sections 1, 2, 14, and 30, I believe. Those amendments are well known. The Clerk knows what they are. I am perfectly willing to have one vote on the four.

The SPEAKER. The gentleman from Illinois demands a separate vote on the four amendments—

Mr. MANN. The four Indian amendments—

The SPEAKER. On the four Indian amendments. Is a separate vote demanded on any other amendment? If not, the Chair will put the rest of them in gross. The question is on agreeing to the other amendments.

The amendments, exclusive of the so-called Indian amendments, were agreed to.

The SPEAKER. The Clerk will report the four Indian amendments.

Mr. MANN. Mr. Speaker, that is not necessary. I ask that the reading of the amendments be dispensed with.

The SPEAKER. Without objection, the reading of the amendments will be dispensed with.

There was no objection.

The SPEAKER. The question is on agreeing to the four Indian amendments.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. FERRIS. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] demands a division.

The House divided; and there were—yeas 43, yeas 51.

So the Indian amendments were rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time.

Mr. MANN. Mr. Speaker, has the vote been determined?

Mr. GARRETT of Tennessee. Will the gentleman permit me a moment?

Mr. MANN. Certainly.

Mr. GARRETT of Tennessee. The gentleman's demand for a separate vote was on "the four Indian amendments." Of course, when it comes to the enrollment of the bill those amendments must be more accurately defined.

Mr. MANN. Yes; I was going to call for the reading of the engrossed bill. The previous question, as I understand, is ordered on the bill?

Mr. GARRETT of Tennessee. Yes; under the rule.

Mr. MANN. After the bill is engrossed, so far as I am concerned, I will withdraw the demand for the reading of the engrossed bill, so that if there is a mistake made it will be within the power of the gentlemen in charge of the bill to correct it.

Mr. GARRETT of Tennessee. The particular amendments which have just been defeated by the House were the four Indian amendments.

Mr. MANN. Yes.

Mr. GARRETT of Tennessee. They are not designated by number in any way.

Mr. MANN. The Clerk knows what they are. The Clerk will make a note of them.

Mr. GARRETT of Tennessee. There ought to be some sort of an arrangement by which accuracy shall be insured.

Mr. MANN. I stated that they were the Indian amendments to sections 1, 2, 14, and 30. The Clerk knows what those amendments are.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. MANN. I did not object to the vote on that. That was taken.

The SPEAKER. What was it the gentleman rose to say?

Mr. MANN. The Chair put the question on the engrossment and third reading.

The SPEAKER. Yes; that is true.

Mr. MANN. So I will ask for the reading of the engrossed bill. It will not really delay it at all.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. If the engrossed bill is here to-morrow morning, will the matter then be considered under the previous question?

The SPEAKER. No; because to-morrow will be Calendar Wednesday. The gentleman from Illinois demands the reading of the engrossed bill. The engrossed bill is not here, so the matter goes over until Thursday morning.

Mr. CHURCH. The House can wait for the engrossed bill.

The SPEAKER. Yes; the House can do that, if it wants to stay here until the bill is engrossed.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Will the gentleman wait until we get this other matter settled?

Mr. MANN. It goes over, Mr. Speaker?

The SPEAKER. It goes over if the House does not want to stay here until we get the engrossed bill, and the Chair takes it for granted that the House does not want to stay here until it gets the engrossed bill, and that this will go over until Thursday morning. The gentleman from California [Mr. CHURCH] asks unanimous consent to address the House for five minutes.

Mr. MANN. I will state to gentlemen that as far as we are concerned I do not think there will be any opposition to taking the vote to-morrow morning, if the bill is engrossed at that time.

Mr. FERRIS. Then I will ask unanimous consent to take the vote on this bill to-morrow.

Mr. MANN. The gentleman can make that request to-morrow.

Mr. FERRIS. I will withdraw the request now.

The SPEAKER. Of course it can be done by unanimous consent or by Calendar Wednesday being postponed until after the vote.

Mr. MANN. There will not be any delay about it.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. CHURCH] to address the House for five minutes?

Mr. MANN. On what subject, Mr. Speaker? It is 5 o'clock.

Mr. CHURCH. On the taxing of California wines.

Mr. MANN. Yes; I object.

Mr. CHURCH. Will the gentleman withhold that for one minute?

Mr. MANN. I will let the gentleman in on it Thursday. I will not withhold the objection to-night.

The SPEAKER. The gentleman from Illinois objects, and that is the end of it.

Mr. CHURCH. I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. On what subject?

Mr. CHURCH. On the tax on California wines. Owing to the fact that one-fourth—

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the Record on the subject of the internal-revenue tax on California wines.

Mr. MANN. Reserving the right to object, I assume that under some procedure the gentleman will have that authority later, and for the present I shall object.

The SPEAKER. The gentleman from Illinois objects.

ADJOURNMENT.

Mr. FERRIS. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 1 minute p. m.) the House adjourned until Wednesday, September 23, 1914, at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 18778) granting a pension to Robert Leigh Morris and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HENRY: A bill (H. R. 18916) for the temporary relief of cotton growers in the United States; to the Committee on Banking and Currency.

By Mr. BUCHANAN of Illinois: Resolution (H. Res. 624) directing the Secretary of Labor to transmit to the House of Representatives information concerning public aid for home owning and housing of working people in foreign countries; to the Committee on Labor.

By Mr. UNDERWOOD: Resolution (H. Res. 625) for the consideration of H. R. 18891; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 18917) granting an increase of pension to Thomas E. Stallard; to the Committee on Invalid Pensions.

By Mr. DONOVAN: A bill (H. R. 18918) granting a pension to Agnes M. Kesler; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 18919) for the relief of Sarah A. McDuff; to the Committee on Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 18920) for the relief of the heirs of John H. Waters, deceased; to the Committee on War Claims.

By Mr. KENNEDY of Connecticut: A bill (H. R. 18921) granting an increase of pension to Lucy S. Trescott; to the Committee on Invalid Pensions.

By Mr. J. R. KNOWLAND: A bill (H. R. 18922) granting an increase of pension to Jeanette E. Sweet; to the Committee on Invalid Pensions.

By Mr. MCGILLICUDDY: A bill (H. R. 18923) granting an increase of pension to Wealthy F. Paul; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 18924) granting an increase of pension to Ellen E. Howes; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 18925) granting an increase of pension to John F. M. Burk; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 18926) granting an increase of pension to Andrew J. Peters; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Socialists of Uniontown, Pa., protesting against the high cost of living; to the Committee on the Judiciary.

By Mr. ADAMSON: Petition of sundry citizens of Carroll County, Ga., for relief for the cotton growers; to the Committee on Ways and Means.

By Mr. CLANCY: Petition of Retail Liquor Dealers of the city of Cortland, N. Y., protesting against an increased tax on beer and whisky, etc.; to the Committee on Ways and Means.

By Mr. GORDON: Petition of 240 citizens of Cleveland, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of the United Master Butchers of America, Chicago, Ill., in favor of subsidizing land for farming and for the purpose of raising live stock; to the Committee on the Public Lands.

By Mr. MAGUIRE of Nebraska: Petitions of business men of Alvo, Palmyra, and Bennett, all in the State of Nebraska, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. MAPES: Petition of Glass Workers' Union, Local No. 10, of Grand Rapids, Mich., protesting against the high cost of living; to the Committee on the Judiciary.

By Mr. MERRITT: Petition of Rev. E. E. Barrett for 90 citizens of Hermon, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of Rev. M. A. Bartlett for 102 citizens of Hermon and West Hermon, N. Y., urging national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Protest of the Masters, Mates, and Pilots of the Pacific, and the Marine Engineers' Beneficial Association, of San Francisco, Cal., against the recent legislation suspending the United States navigation laws; to the Committee on the Merchant Marine and Fisheries.

By Mr. O'SHAUNESSY: Petition of William M. Harris, jr., protesting against tax on freight rates; to the Committee on Ways and Means.

By Mr. REILLY of Connecticut: Petition of citizens of New Haven, Conn., favoring bill forbidding exportation of food products to any European country during present war; to the Committee on Interstate and Foreign Commerce.

By Mr. SELDOMRIDGE: Petition of 230 citizens of Colorado Springs, Colo., favoring national prohibition; to the Committee on Rules.

Also, petition of Morgan County (Colo.) Socialist Party, demanding observance of strict neutrality by United States during present war; to the Committee on Foreign Affairs.

By Mr. UNDERHILL: Petition of Local Elmira Heights (N. Y.) Socialist Party, favoring maintaining strict neutrality by United States Government in European war; to the Committee on Foreign Affairs.

Also, petition of the National Association of Vicksburg Veterans, relative to appropriation by Congress for reunion of veterans at Vicksburg, Miss.; to the Committee on Appropriations.

By Mr. YOUNG of North Dakota: Petition of citizens of Chaffee, N. Dak., protesting against war tax on gasoline; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, September 23, 1914.

The Senate met at 12 o'clock meridian.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we lift our hearts to Thee, we trust, in a spirit of worship and of obedience and of true reverence for Thy holy name. If we have been enabled to think in the terms of truth, it is because of the revelation Thou hast made to us. If we abide in the spirit of brotherhood, it is by the inspiration of Thy own spirit. If we are able to discern the right from the wrong, it is because Thou hast made known unto us Thine own eternal and changeless will. From Thee cometh every good and perfect gift. Thou art the author of all truth and of all life. We worship Thee. We pray that Thy holy presence may be with us and that Thou wilt guide us in the performance of every duty of life. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Friday, September 18, 1914, when, on request of Mr. LEA of Tennessee and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE POTTERY INDUSTRY.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, transmitting a copy of a summary of results in the inquiry into the cost of production in the pottery industry, etc., together with a copy of a letter sent by him to the President of the United States explanatory thereof, which, with the accompanying papers, was referred to the Committee on Finance.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 16138) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the Commercial Exchange of Philadelphia, Pa., remonstrating against legislation providing for Government ownership and operation of merchant vessels in the foreign trade of the United States, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Erie and Valencia, in the State of Pennsylvania; of New Concord, Ohio; of Boyden, Iowa; of Decatur, Ill.; of Fond du Lac, Wis.; of Walton, N. Y.; and of Albuquerque, N. Mex., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. JONES. I present a telegram, in the nature of a memorial, from 80 theater and moving-picture owners in session September 22 in Seattle, Wash., vigorously remonstrating against the passage of the bill licensing theaters \$100 yearly under the new emergency tax bill. I move that the telegram be referred to the Committee on Finance.

The motion was agreed to.

Mr. JONES presented a petition of sundry citizens of the District of Columbia, praying for the passage of the omnibus claims bill, which was ordered to lie on the table.

Mr. PERKINS presented memorials of sundry wine growers of San Jose, Napa, Healdsburg, and Sacramento, all in the State of California, remonstrating against the proposed tax on wines, which were referred to the Committee on Finance.

He also presented a petition of the Chamber of Mines and Oil of Los Angeles, Cal., praying for the enactment of legislation to suspend the operation of the mining laws requiring annual labor for 1914, which was referred to the Committee on Mines and Mining.

He also presented a telegram in the nature of a petition from V. S. McClatchy, president of the California Reclamation Board,

of Sacramento, Cal., praying for the retention of the Sacramento River project in the river and harbor bill, which was ordered to lie on the table.

He also presented a memorial of Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., remonstrating against the enactment of legislation to suspend the navigation laws, which was referred to the Committee on Commerce.

He also presented petitions of Tent No. 26, Knights of Macabees, of San Diego; of Street Car Men, of Oakland; of Local Lodge No. 18, Fraternal Brotherhood, of San Diego; and of the West Side Literary Society, of Los Angeles, all in the State of California, praying for the enactment of legislation to provide pensions for civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. NELSON presented memorials of sundry citizens of Pine, Carlton, Washington, and Hennepin Counties, all in the State of Minnesota, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Minneapolis, Minn., praying for the enactment of legislation to provide for the retirement of civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of sundry citizens of St. Paul and Minneapolis, in the State of Minnesota, remonstrating against the proposed increase in revenue tax on cigars, which was referred to the Committee on Finance.

He also presented a memorial of the International Bowling Association, of St. Paul, Minn., remonstrating against an internal-revenue tax on bowling alleys, which was referred to the Committee on Finance.

He also presented a petition of the officers of the Philippine Scouts, praying for the enactment of legislation providing for their retirement the same as officers of the Regular Army, which was referred to the Committee on Military Affairs.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON:

A bill (S. 6517) granting an increase of pension to Daniel W. Smith (with accompanying papers); and

A bill (S. 6518) granting an increase of pension to Charlotte A. Crowell (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of South Carolina:

A bill (S. 6519) to amend an act entitled "An act to amend section 27 of an act approved December 23, 1913, and known as the Federal reserve act"; to the Committee on Banking and Currency.

By Mr. SHEPPARD:

A bill (S. 6520) temporarily reducing salaries of persons in Federal service.

The VICE PRESIDENT. To what committee will the Senator from Texas have the bill sent?

Mr. SHEPPARD. I have made the notation on the bill that it go to the Committee on the Judiciary.

The VICE PRESIDENT. Why ought it not to go to the Committee on Civil Service and Retrenchment?

Mr. SHEPPARD. That reference is entirely satisfactory to me.

The VICE PRESIDENT. The bill will be referred to the Committee on Civil Service and Retrenchment.

By Mr. McLEAN:

A bill (S. 6521) granting an increase of pension to Ellen Garlick (with accompanying papers);

A bill (S. 6522) granting an increase of pension to Carrie M. Case (with accompanying papers); and

A bill (S. 6523) granting an increase of pension to Sarah E. H. Bartlett (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 6524) granting an increase of pension to Amanda Baxter (with accompanying papers); to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 6525) for the relief of Randall H. Trotter; to the Committee on Military Affairs.

A bill (S. 6526) for the relief of the heirs of James Newman (with accompanying papers); to the Committee on Claims.

UNITED STATES RAILWAY CO.

Mr. JONES. I have the draft of a bill which seems to have been prepared with considerable care. It was sent to me by a gentleman whom I know. It relates to a very important matter. I desire to introduce the bill by request, in order that it may